

Mr. HEYBURN. If the Senator now desires to withdraw it—

Mr. NELSON. The Senator can have it either way; he can have a vote or I will withdraw the amendment.

Mr. HEYBURN. It is obvious that we should require some further parliamentary proceedings if we were going to vote. I will not make the suggestion at all as to what those proceedings should be, but if the Senator will withdraw the amendment I shall be content.

Mr. NELSON. Mr. President, I suggest that the amendment be disagreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator to the fact that disagreeing to the amendment would restore the words already stricken out.

Mr. NELSON. No; those words stricken out should remain out, and the words in italics should also be stricken out.

The PRESIDING OFFICER. Then the parliamentary procedure would be to concur in the amendment to strike out and to disagree to the part in italics.

Mr. NELSON. Yes; that is it.

The PRESIDING OFFICER. The question is on concurring in the amendment striking out, after the word "Island," in line 10, down to and including the word "nonnavigable," in line 11.

The amendment was concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment inserting the portion in italics in lines 11, 12, and 13, on page 36.

The amendment was nonconcurrent in.

The PRESIDING OFFICER. In the absence of objection, all the other amendments made as in Committee of the Whole will be regarded as concurred in. The Chair hears no objection, and they are concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PRESIDENT PRO TEMPORE FOR FRIDAY.

Mr. WARREN. I ask unanimous consent that the Senator from Georgia [Mr. BACON] may be the President pro tempore of the Senate to-morrow, Friday, during the absence of the Vice President.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the senior Senator from Georgia [Mr. BACON] be designated as the President pro tempore for to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARREN. To carry out the effect of that order, I present several resolutions and ask for their consideration.

Mr. WARREN submitted the following resolution (S. Res. 307), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

Mr. WARREN submitted the following resolution (S. Res. 308), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 10, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 9, 1912.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Infinite and eternal Spirit, our God and our Father, so near to us, and yet so far away, open Thou our spiritual eyes, that we may behold the light of Thy countenance; our spiritual ears, that we may hear the music of Thy voice; our spiritual hearts, that we may feel the pulsations of Thy loving heart; that we may have life, and have it more abundantly in a closer walk with Thee; that Thy will may be done in us as it was done in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIX, Senate bills and a joint resolution of the following titles were taken from the Speaker's

table and referred to their appropriate committees as indicated below:

S. 6658. An act to provide for emergency crops on overflowed lands in the Mississippi Valley; to the Committee on Appropriations.

S. 2356. An act for the relief of John W. Morse; to the Committee on Claims.

S. 5211. An act to require the registration of vital statistics in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

S. 5362. An act to reimburse the enlisted men of the U. S. S. Georgia who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; to the Committee on Claims.

S. J. Res. 75. Joint resolution to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural-credit unions in other countries; to the Committee on Agriculture.

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming; to the Committee on the Public Lands.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution.

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys.

WALL CHART ON HOOKWORM AND SOIL POLLUTION.

The SPEAKER laid before the House concurrent resolution 46 with a Senate amendment.

The Senate amendment was read.

Mr. FINLEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government.

Mr. AUSTIN. Mr. Speaker, I would like to ask unanimous consent to have a telegram to the New York Times of yesterday read to the House. It will show the reason why certain Members were absent day before yesterday.

Mr. UNDERWOOD. Mr. Speaker, I must object.

The SPEAKER. The gentleman from Alabama objects. The gentleman from South Carolina, [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House has resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the provision on page 32, commencing with line 11, down to and including line 4, on page 33, be considered in connection with the other two provisions that follow, and which were passed over, when we recur to them.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent in reference to the consideration of this bill. The gentleman from New York will please restate his request.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that when we return to the provisions on page 33, line 5 to line 23, which were passed over, we shall also consider the provisions on page 32, commencing on line 11 and running down to and including line 4, on page 33. They are all interrelated.

Mr. MANN. With the right to amend.

Mr. BURLISON. Yes; with the right to amend.

The CHAIRMAN. The gentleman from New York asks unanimous consent that that part of the bill on page 33, lines 5 to 23, be considered in connection with that part of the bill

on page 32, from line 11 to and including line 4, on page 33. Is there objection?

Mr. CANNON. One moment, Mr. Chairman. As I understand, the unanimous consent goes to the provisions touching the transfer of the Bureau of Statistics to the Census Office and the Bureau of Manufactures to the State Department, with full privilege to amend and consider all the items together.

Mr. JOHNSON of South Carolina. That is what we hope to do.

Mr. CANNON. Does the gentleman hope to do that during the day?

Mr. JOHNSON of South Carolina. During the afternoon.

Mr. CANNON. I am interested in the matter, and have views about it, and I am satisfied also that the gentleman from South Carolina [Mr. JOHNSON] wants to do apt things about it. I feel that really there is no contest when we come down to what is for the best interests of the public service; and, being interested in it, and having to leave the city at 6.45 this evening, to be absent for two or three days, I think the request ought to be granted.

Mr. JOHNSON of South Carolina. Those provisions will all be considered.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the reading of the bill be concluded, and that the committee amendments be offered as we read. I ask unanimous consent that we now complete the reading of the bill, permitting the committee amendments to be offered as the sections are read, and then return to the sections and take them up for debate and amendment in the Committee of the Whole.

Mr. BURLESON. With the right to have them considered in the Committee of the Whole.

Mr. GILLET. And to be amended?

Mr. BURLESON. Yes; to be amended.

Mr. MANN. Mr. Chairman, unfortunately I did not hear the request of the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. The request now is to conclude the reading of the bill and allow the committee amendments to be offered as the bill is read, and then that we have permission to return to each section and debate it—

Mr. BURLESON. And amend it—

Mr. JOHNSON of South Carolina. In Committee of the Whole the amendments to be offered by the committee will not be debated. They will be merely formal. Then we will go back and debate the sections.

Mr. MANN. Do I understand that the committee amendments are to be voted upon at the time they are read? We do not want to have an understanding that the committee is to consider amendments and vote on them without debate.

Mr. JOHNSON of South Carolina. We do not want to prevent debate.

Mr. MANN. I do not care, so far as I am concerned, as to the order in which they will be taken up, except that my colleague from Illinois [Mr. CANNON] wants to dispose of those propositions relating to the Bureau of Statistics and the Bureau of Manufactures this afternoon, fairly early.

Mr. JOHNSON of South Carolina. I am making the request in order to expedite the very matter that the gentleman from Illinois is interested in. After we read the bill we will return to some of the sections which will require considerable debate, and while that debate is going on the matter that the gentleman from Illinois is interested in will be adjusted.

Mr. MANN. Let us understand. I may be wrong about it, but, as I understand, the gentlemen desire probably a little time in which to formulate some amendments relating to the Bureau of Statistics and the Bureau of Manufactures?

Mr. BURLESON. And trade relations.

Mr. MANN. Yes; and trade relations. It is a proper request, but I do not desire to have the House get into a discussion of the clerical force here, which would cut off my colleague.

Mr. JOHNSON of South Carolina. We are very anxious that the gentleman's colleague shall be accommodated, and there will be no delay if it can be avoided.

Mr. CANNON. I think it is entirely likely in connection with the Bureau of Statistics and the Bureau of Trade Relations and the Bureau of Manufactures in connection with its transfer to the Census Office that it can be accommodated. Because, I will say again, I am satisfied that the gentleman from South Carolina, the gentleman from Texas, and others on the committee are really desirous of doing that which is for the best interests of the public service, and when the gentlemen complete the amendments touching the three bureaus, there will be opportunities to debate the subject.

Mr. BURLESON. That is right.

Mr. MANN. Mr. Chairman, I shall not object to the request if the gentleman will add to it the right on his part to call up at any time the paragraphs that were passed over on page 33, and those relating thereto.

Mr. BURLESON. That is right.

Mr. JOHNSON of South Carolina. I should like very well to include that proposition.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. MANN] to object?

Mr. MANN. No. I am asking the gentleman to make a modification of his request.

The CHAIRMAN. The Chair will ask the gentleman to state his request again.

Mr. JOHNSON of South Carolina. I ask that the reading of the bill be now concluded, with the privilege to the committee to offer its amendments as the sections are read; that thereafter we return to the sections for debate and amendments from the Committee of the Whole, with the further privilege that if the matter in which the gentleman from Illinois [Mr. MANN] is interested shall be perfected and adjusted we can return to that at any time.

Mr. MANN. Reserving the right on your part at any time to call it up.

Mr. JOHNSON of South Carolina. Reserving the right on my part to call it up at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

Sec. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such department or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

Mr. GILLET. I do not understand whether under the agreement that was made this is the proper time to move to strike out this paragraph. I wish now or at some other time to move to strike it out.

Mr. JOHNSON of South Carolina. We can return to it under that agreement, and the gentleman can then make that motion.

Mr. GILLET. I have permission to make that motion to strike it out then?

Mr. JOHNSON of South Carolina. Yes.

Mr. FINLEY. I call the attention of the gentleman from South Carolina [Mr. JOHNSON] in charge of the bill to line 6, section 4, and ask him does he not think that after the words "within the District of Columbia" the bill should be amended by the insertion of the words "except the Weather Bureau"?

Mr. FITZGERALD. No.

Mr. JOHNSON of South Carolina. I do not know of any reason why we should make that exception.

Mr. FINLEY. Mr. Chairman, I move to insert those words.

Mr. JOHNSON of South Carolina. If my colleague desires to offer an amendment, he will have that privilege when we return to this section, under the agreement.

Mr. FINLEY. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1914: *Provided*, That all persons separated hereunder from the classified service shall, if not more than 65 years of age, be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department: *And provided further*, That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: *And provided further*, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 139, in line 5, strike out the word "fourteen" and insert in lieu thereof the word "seventeen," and in lines 6 and 7 strike out the words "if not more than 65 years of age."

The question being taken, the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, as I understand the order that has just been made, we have a right to return to this section at any time after the reading of the bill has been concluded. Is that correct?

The CHAIRMAN. The Chair so understood the gentleman from South Carolina. The Chair is not sure that he understood the agreement correctly.

Mr. JOHNSON of South Carolina. We will return to these sections later, in order that any member of the committee may offer amendments.

Mr. FINLEY. I will ask the gentleman if anyone else may offer amendments to the sections when they are recurred to?

Mr. JOHNSON of South Carolina. Certainly. Anybody can offer amendments when we return to them.

Mr. CANNON. Mr. Chairman, we have not yet left section 5, I believe. We are to return to section 5, are we?

Mr. JOHNSON of South Carolina. Yes. If I may be recognized for one moment, the amendment that has just been adopted is the amendment that I gave notice of when the rule was adopted last week, that the committee would offer. We strike out the 65-year limitation, and make all persons in the classified service eligible for reappointment without regard to age. The other provision is that nobody shall come up for reappointment until 1917.

Mr. CANNON. Are we to return to section 5?

Mr. JOHNSON of South Carolina. Yes. That motion will be made later.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Sec. 6. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not less than \$100 or by imprisonment for not less than one month.

Mr. MANN. Mr. Chairman, at the proper time I shall want to move to amend this section, or strike it out.

Mr. CANNON. If I can have the attention of the gentleman, I should like to suggest an amendment to be pending.

Mr. JOHNSON of South Carolina. Yes.

Mr. CANNON. In section 6, it seems to me that the word "knowingly" should be inserted, so that it will read that any person knowingly violating section 4 of the act referred to shall be removed from office and subjected to the penalty prescribed.

Mr. JOHNSON of South Carolina. We will return to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 141, in line 15, after the word "publication," insert the words "except maps."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. Does the amendment which the gentleman offered cover everything that is necessary in the Weather Bureau?

Mr. JOHNSON of South Carolina. We think so.

Mr. FINLEY. What does the Secretary of Agriculture say about it, does the gentleman know?

Mr. JOHNSON of South Carolina. The Secretary of Agriculture wrote me a letter asking me to except the maps, because he gets the telegrams at 8 o'clock and prints the maps and sends them out. I think the word "maps" covers everything that the Geological Survey and the Hydrographic Office and the Weather Bureau use.

Mr. FINLEY. What would remain that is now mailed by the Weather Bureau that would not be included within the exception?

Mr. JOHNSON of South Carolina. I do not know of anything they make except little charts or maps; they would pass under the title of "maps," I think.

Mr. FINLEY. Does the gentleman think the cards they issue would come under the definition of maps?

Mr. JOHNSON of South Carolina. I think so. I think everything that they issue would pass under the word "maps"; it is so intended, anyway.

Mr. FINLEY. What would be the objection to excepting the Weather Bureau? We know definitely what they do. It requires two or three clerks to do the work that would be transferred if this provision in relation to Government printing passes. It is 2 or 3 miles from the Weather Bureau to the Government Printing Office, and it would require one or two messengers to carry the work of the Weather Bureau to the Government Printing Office in order to be mailed. Now, what is the objection to excepting the Weather Bureau?

Mr. JOHNSON of South Carolina. I will say to my friend that we are going to recur to this section later, and in the meantime I will be glad to confer with the gentleman about any amendment he desires to offer if this language is not sufficiently broad.

Mr. FINLEY. That will be satisfactory.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from South Carolina a question. Of course the effect of the section depends upon what the words "publication issued by the executive department of the Government" mean. Would they include an order of the War Department; would they include the circular letter of the Treasury Department that goes out with checks?

Mr. JOHNSON of South Carolina. No, sir; it means the things that are printed and sent out as publications.

Mr. MANN. Here is a circular letter from the Treasury Department, which they send out with checks in payment of interest coupons; that is a publication issued by the Treasury Department. Is an order issued by the War Department included in this? There ought to be some apt language in here to cover questions of that sort.

Mr. FITZGERALD. I think the term "publication" is well understood.

Mr. MANN. I think it would cover these cases, because they are publications issued by an executive department. The gentleman might put in "publications issued by an executive department for general distribution," or something of that sort.

Mr. FITZGERALD. I think the expression is well understood. The word "publication" is so significant that I did not know of any other word to use. These refer to publications issued and distributed from the department. It does not cover the issuance of blanks or general orders or special orders.

Mr. MANN. But they are publications issued by the department.

Mr. FITZGERALD. Not in the sense that we use it here.

Mr. MANN. That is a question. That is what it says. The Treasury Department occasionally sends out publications in connection with refunding bonds.

Mr. FITZGERALD. That is a notice.

Mr. MANN. It is a publication issued by the department, and so described, and is listed in the bulletins or publications issued by the Government; and, then, there are publications issued and used to go with interest checks.

Mr. FITZGERALD. I do not think this language could be construed to cover that.

Mr. JOHNSON of South Carolina. Let me make this suggestion: This provision was inserted after consultation with the Public Printer and in accordance with the recommendation made by the President to Congress in his message. If there is

any doubt about the aptness of the words we have used, a little later in the day the gentleman can offer an amendment.

Mr. MANN. I am calling it to the attention of the gentleman now, so that he may be considering the matter with a view of correcting any improper language in it. Let me ask the gentleman further. In connection with the distribution of the Farmers' Bulletin—which, of course, is a publication more widely issued than any other publication of the Government—as it now is, Members of Congress transmit their frank-addressed slips to the Department of Agriculture, and they are there pasted on the bulletins and mailed. Is it the intention to have that done in the Government Printing Office?

Mr. JOHNSON of South Carolina. It is intended that all Government publications, after the 1st of October, 1912, shall be mailed at the Government Printing Office rather than at the department.

Mr. MANN. I am inclined to think that the result will be, instead of saving money and time, that the Farmers' Bulletins will have to be sent to Members of Congress at their offices, there be addressed and the slips pasted on by them, instead of its being done at the Public Printing Office.

Mr. JOHNSON of South Carolina. I think the only difference is this: That they will be sent out as public documents and not under the Congressman's frank.

Mr. MANN. They have to be sent out under Members' franks.

Mr. JOHNSON of South Carolina. No; not if they can be sent as public documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was considered and agreed to.

Mr. CULLOP. I understand that the same rule applies to this section, that we may return to it hereafter, because we want to return to it in regard to the matter of Farmers' Bulletins.

Mr. JOHNSON of South Carolina. Yes.

The Clerk read as follows:

Sec. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to offer an amendment here and have it pending, and that is that section 10 be stricken out, and also section 11, which has not yet been read—

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman wait one minute until we finish some formal amendments?

The CHAIRMAN. The understanding was that the committee first was to have leave to offer amendments.

Mr. MICHAEL E. DRISCOLL. Very well.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to return to page 122 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from South Carolina will suspend for a moment. The Chair understood the gentleman to wish to offer an amendment to a section, and the Chair will state to the gentleman that section 11 of the bill has not been finished, and the Clerk will read.

The Clerk read as follows:

Sec. 11. That all laws or parts of laws inconsistent with this act are repealed.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent to return to page 122, the Bureau of Lighthouses, for the purpose of offering an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to page 122 for the purpose of offering an amendment. Is there objection?

Mr. GILLET. Mr. Chairman, reserving the right to object, I would like to hear the amendment read first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 122, line 4, strike out "deputy commissioner, \$4,000"; in line 10, strike out "one, at \$3,000" and insert in lieu thereof "two,

at \$3,000 each"; and in line 12, strike out the sum "\$64,630" and insert in lieu thereof "\$63,630"; and after line 12, insert "the office of deputy commissioner of lighthouses is hereby abolished."

The CHAIRMAN. Is there objection to the consideration of the amendment?

Mr. GILLET. Mr. Chairman, reserving the right to object, I desire to state this is all new matter, and I know of no reason for doing this, and for the present I object. I will reserve the right to object.

Mr. BARTLETT. I reserve the right to object, too.

Mr. JOHNSON of South Carolina. May I state why the request is made?

Mr. GILLET. I will be very glad to hear it.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. GILLET. I said this is new to me. I know of no reason, and therefore I wish to reserve the right to object until an explanation can be made.

The CHAIRMAN. The gentleman from Massachusetts reserves the right to object.

Mr. BARTLETT. May I make an inquiry of the gentleman from South Carolina?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTLETT. As I caught the proposition, it is to abolish the Deputy Commissioner of Lighthouses.

Mr. JOHNSON of South Carolina. Yes; and to create the position of assistant engineer.

Mr. PAYNE. Mr. Chairman, I wish we could have less of these private conversations, as we would like to hear on this side of the House. We are still Members of the House.

Mr. BARTLETT. There is no private conversation here. I was talking loud enough to be heard if the gentleman was listening. Mr. Chairman, I desire to know what the proposition is—to return to some section for the purpose of offering an amendment?

The CHAIRMAN. The question pending before the committee is a request for unanimous consent on the part of the gentleman from South Carolina to return to page 122 to offer an amendment to the Bureau of Lighthouses, which has been reported by the Clerk.

Mr. BARTLETT. I understand it.

Mr. JOHNSON of South Carolina. Mr. Chairman, the present deputy commissioner on the 1st day of July is to be appointed lighthouse inspector. That leaves a vacancy in this office. The Secretary of Commerce and Labor desires that the office of deputy commissioner be abolished and an additional assistant engineer be provided for. The amendment is made at the request of the Commissioner of Lighthouses at the request of the Secretary of Commerce and Labor, and after such investigation as the committee has been able to make we believe that the request is a proper one, and for that reason we have asked unanimous consent to offer the amendment.

Mr. BARTLETT. May I inquire of the gentleman from South Carolina?

Mr. GILLET. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman from South Carolina yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Massachusetts.

Mr. GILLET. I supposed I was a member of the committee. The gentleman says after such investigation as the committee has been able to make they approved it. This is the first I have heard of it, but upon the statement of the gentleman—

Mr. JOHNSON of South Carolina. Of course there was no formal meeting of the committee.

Mr. GILLET (continuing). Upon the statement of the gentleman I withdraw my objection.

The CHAIRMAN. The Chair will put the request—

Mr. BORLAND. Before the Chair puts the request, reserving the right to object, I would like to ask the gentleman—

The CHAIRMAN. The gentleman from Missouri reserves the right to object.

Mr. BORLAND. I understood the gentleman from South Carolina to say that the present deputy commissioner would become inspector of lighthouses on the 1st of July. By virtue of what provision is that? Is there a provision of law now for that purpose?

Mr. JOHNSON of South Carolina. These positions are now being held by naval officers, I believe, and on the 1st of July they must be filled by civilians. Is that correct?

Mr. MANN. If the gentleman will permit me, there are a number of lighthouse districts, and the third district, which is the New York district, is the general distributing district. The inspector of that district receives a salary of \$3,600 a year and the inspectors of most of the districts receive a salary of

\$2,400 a year, but owing to the fact that that district is the district where the supplies come from and where the central depot is the salary was made \$3,600 a year. The man who is now commissioner of lighthouses, by his own consent and in the interest of the service, is to be transferred and made inspector of the third lighthouse district from the 1st of July, at a salary of \$3,600, the salary fixed by law. Now, then, when we reorganized the Lighthouse Service a few years ago we provided a commissioner and deputy commissioner of lighthouses, so there would be somebody to sign papers in the absence of the commissioner. We have recently provided in a bill—I do not know whether it has become a law or not, but it will—that the Secretary may designate anyone else to act as acting commissioner in the absence of the commissioner and deputy commissioner.

When we passed the reorganization bill we provided, I believe, for one assistant engineer to take the place of the many engineers then in the Army and Navy. Now they find they have more need of an additional assistant engineer than they have for a deputy commissioner, because in the absence of a commissioner under this new proposition they can designate somebody else to act for him. And as the deputy commissioner receives a salary of \$4,000 and the present deputy desires to take the place which pays only \$3,000, and as the service needs an assistant engineer in place of the deputy commissioner, the commissioner and Secretary have asked Congress to abolish the place of deputy at \$4,000 and allow an assistant engineer at \$3,000.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has expired.

Mr. BORLAND. Mr. Chairman, I ask that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. I have no objection to the change of an officer from a deputy commissioner to an inspector if his duties are just as broad as inspector as they would be as deputy commissioner, but if his duties as inspector are confined to a particular department, then the lighthouses will suffer from the loss of one man. It so happens the lighthouse business lately has been confined to putting lights on navigable streams. They have not found that their equipment was any too great to carry on that work.

Mr. MANN. If the gentleman will permit, that is one of the very reasons why they wish to make this change, because they want an assistant engineer who can act on those matters and have charge of them where the deputy commissioner can not do it.

Mr. BORLAND. Has that provision been made by law so that this change will have that effect?

Mr. MANN. But the gentleman's proposition is to strike out the deputy commissioner and insert an additional assistant engineer at \$3,000 in place of the deputy commissioner at \$4,000.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. JOHNSON] has again expired.

Mr. BURLESON. Mr. Chairman, I think it is due the committee that an additional statement should be made. This suggestion embodied in the pending amendment was not made at the time the bill was being prepared. It came subsequently in a letter addressed to the Speaker of the House, a copy of which I hold in my hand. It is from the Secretary of Commerce and Labor. This letter shows that the amendment is in the interest of efficient and economical administration. There can be no question about that, as was so clearly shown by the gentleman from Illinois [Mr. MANN]. With the permission of the committee I will read the letter, which is addressed to the Speaker, as follows:

THE SPEAKER HOUSE OF REPRESENTATIVES.

DEAR SIR: It is recommended that in the appropriations for the Bureau of Lighthouses for the coming fiscal year the item "deputy commissioner, \$4,000," be omitted, and that there be inserted in lieu thereof an additional assistant engineer, at \$3,000, making the item read "two assistant engineers, \$6,000," in place of "assistant engineer, \$3,000."

The act of June 17, 1910, reorganizing the Lighthouse Service, provides for a deputy commissioner and a chief constructing engineer, each at a salary of \$4,000. The position of deputy commissioner was not included in the bill as originally reported, but was provided for before the final passage of the act. In the extensive work of reorganization the position was necessary and valuable. This reorganization having now been carried through, further experience in operation under this law indicates that in future a more effective organization for the Lighthouse Service will be obtained by substituting a position of assistant engineer for that of deputy commissioner. The organization would then include, under the Commissioner of Lighthouses, a chief constructing engineer, at \$4,000, a superintendent of naval construction, at \$3,000, two assistant engineers, at \$3,000, and a chief clerk, at \$2,400. There is a saving of \$1,000 per annum in the change proposed.

Very truly, yours,

Secretary.

That explains the whole situation, and tells why it was necessary to offer the amendment at this time, and why it was not carried in the bill when it was originally reported to the House.

Mr. BARTLETT. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized.

Mr. BARTLETT. As the gentleman from Illinois [Mr. MANN] has stated, he and I are familiar with the organization of the present Lighthouse Board. By the act passed in 1910 the place of Deputy Commissioner of Lighthouses came as a result of compromise in a conference between the two Houses. I was a member of that conference committee, and after a long hearing and discussion of the matter the bill finally came out of conference with an agreement to establish this Deputy Commissioner of Lighthouses, and the Government was exceedingly fortunate in securing the service of the present deputy commissioner.

I have no personal interest in him; he does not come from my State. I never saw him or heard of him until after his appointment as Deputy Commissioner of Lighthouses; but I do know if reforms have been made in this bureau, if savings of the public moneys have been made, as they have been, it is due mainly and chiefly to the efficiency and devotion to duty of the present deputy commissioner, Mr. Conover.

Mr. MANN. The gentleman understands that this proposition is more than agreeable to Mr. Conover?

Mr. BARTLETT. I do not know whether it is or not. I have no information from him on the subject; but I do not think the Government, for the sake of saving a thousand or even a few hundred dollars, should dispense with the services of as efficient a man as Mr. Conover is and put him back to the position from whence he was taken to become deputy commissioner. He was the inspector of the third lighthouse district, and was selected because of his information, knowledge, and efficiency.

Mr. MANN. Mr. Conover desires to go back as inspector of the new third district. He now receives a salary of \$4,000. There he is to receive a salary of \$3,600 and a house. And that district is so important—

Mr. BARTLETT. I understand the importance of it.

Mr. MANN (continuing). He could save as much to the Government there as anyone else. He will probably go there, anyhow.

Mr. BARTLETT. I am not a member of the subcommittee that considered this bill. I was present at some of the hearings. I am a member, however, of the Appropriations Committee, and it has never been suggested to me, although that is immaterial, that this amendment was to be offered. There is no reason why it should be adopted if it is not a good amendment. If it had been offered in committee, I certainly would have insisted that it should not be adopted.

The suggestion made by the Commissioner of Lighthouses was, not that any position be abolished, but that his own salary should be increased \$1,000, if I recollect the testimony correctly. I have nothing to offer in the way of criticism of the Commissioner of Lighthouses. I have participated with my friend the gentleman from Illinois [Mr. MANN] on the Committee on Interstate and Foreign Commerce in framing and reporting and passing the bill to reorganize the Lighthouse Board, which met with serious opposition at the other end of the Capitol, and I was placed on the committee of conference, having worked on this reformation in that service. For that reason I have had occasion to inquire into the workings of this bureau and the discharge of the duties of the officers of that bureau, having gone there frequently, and I had occasion in 1910, I believe, or in 1911, to call the attention of the House to the savings that had been, by reason of the reorganization, made by Mr. Conover, originated by him, and carried out by him through his devotion to the duties of that office. I do not think that the public service will be benefited by the abolition of this office and the change of the service of this man to a lighthouse inspector in the third district, a place which he filled for a number of years, after which, because of his efficiency in the discharge of duties there, he was made deputy commissioner.

I would like to have two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks for two minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. I am in favor of economy, Mr. Chairman, but I do not believe there is any economy in changing this office and simply making it an assistant engineer. They have already a chief constructing engineer and a superintendent of naval construction in that office, and this simply adds another assistant engineer and abolishes the office of the deputy. I

think this Government, instead of abolishing the office and dispensing with the services of the deputy commissioner, could well afford to increase his salary \$1,000. It could well afford to do that instead of dispensing with his services and substituting in his place a man at a salary of \$3,000. I repeat, Mr. Conover, as I recollect, is a native and resident of New York. I never saw him until after he was appointed, and I have no particular interest in his personal welfare except to indorse, as I said here, the efficiency, the ability, and the honest administration of a service which was demoralized when he took charge of his present office. And if from a disorganized administration that service has become one of better organization and more efficient service and more economical administration, effecting a saving of hundreds of thousands of dollars to the Government as compared with the old plan of administering the Lighthouse Board, it is due more to the service, to the intelligence, the experience, and the devotion to duty of this man, whom you propose now to get rid of, than to any other man in that service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent for the present consideration of the amendment which he sends to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 122, in line 4, strike out "deputy commissioner, \$4,000"; in line 10, strike out "one at \$3,000" and insert in lieu thereof "two at \$3,000 each"; in line 12 strike out the sum "\$64,630" and insert in lieu thereof "\$63,630"; and after line 12 insert "the office of Deputy Commissioner of Lighthouses is hereby abolished."

Mr. BARTLETT. Mr. Chairman, I reserve a point of order on establishing an assistant engineer.

The CHAIRMAN. The point of order of the gentleman from Georgia is what?

Mr. BARTLETT. On the establishment of a new office, another assistant engineer, an office not now provided for by law. I do not make the point of order on abolishing the deputy commissioner. I understand under the rule we can do that, because that dispenses with an office and reduces expenses. But I do make the point of order on the amendment which establishes a new office and pays a salary of \$3,000, and if my point of order is good the entire amendment is out of order.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. JOHNSON] controvert the fact that this amendment is without warrant of law?

Mr. JOHNSON of South Carolina. This is simply to abolish one office at \$4,000 and substitute one at \$3,000. I do not care to argue it. If we can not get it through, it is all right.

The CHAIRMAN. That may be the case, but if it establishes a new office it controverts Rule XXI.

Mr. FITZGERALD. It does, Mr. Chairman. It creates a new office.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I am not prepared to call the attention of the Chair to the statute, because I do not have it here; but my impression is that under the reorganization act the employment of such help as may be necessary is authorized, and the employment of one assistant engineer is not provided.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that when an amendment is proposed the burden is on the gentleman offering the amendment to show that there is law for the amendment.

Mr. MANN. I quite agree with that; but the act—which I have not here at this time, I am free to admit—the act which created the reorganization did not provide specifically for one assistant engineer. That being before the House it would certainly be subject to amendment providing for two assistant engineers.

The CHAIRMAN. Without the information showing that there is warrant of law for this amendment, the Chair will be compelled to sustain the point of order.

Mr. BARTLETT. There is no law for it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. That sustains the point as to the salary?

The CHAIRMAN. Yes. Does the gentleman from South Carolina [Mr. JOHNSON] desire to renew his amendment in order?

Mr. FITZGERALD. It is all one amendment. The point of order, I understand, applies to all.

The CHAIRMAN. The point of order is sustained. The bill is finished. What section does the gentleman from South Carolina desire to call up?

Mr. JOHNSON of South Carolina. Mr. Chairman, if I can get the attention of the gentleman from Massachusetts—

Mr. GILLETT. The gentleman has it—

Mr. JOHNSON of South Carolina (continuing). I would suggest that we first consider section 10, dealing with the Commerce Court.

Mr. GILLETT. That is agreeable to me.

Mr. JOHNSON of South Carolina. Would the gentleman indicate how much time he desires to have?

Mr. MANN. Why do you commence at that section first? Why do you commence at the last? I suggest to the gentleman that probably the liveliest fight will be over the matter of mints and assay offices. Why not take that up?

Mr. JOHNSON of South Carolina. We wanted to take up some matter that would not require the presence of the committee for a little while.

Mr. BURLESON. I will state to the gentleman from Illinois that I want to be present when mints and assay offices are considered.

Mr. JOHNSON of South Carolina. The gentleman will understand why we want to take up some other section immediately.

Mr. GILLETT. Gentlemen think about half an hour would be needed on this side.

Mr. JOHNSON of South Carolina. That is perfectly satisfactory—a half hour on each side. We may want an hour on this side, however.

Mr. GILLETT. We want an hour on this side, too.

Mr. MANN. Can we not reach an agreement as to debate, and during that time all pending amendments shall be offered during the pending debate?

Mr. JOHNSON of South Carolina. I will make that request. Mr. Chairman, I request unanimous consent that debate upon section 10 be limited to two hours, one hour on each side; that during that time any Member may be permitted to offer amendments, and that those amendments be pending, and at the close of the time fixed for debate a vote shall be taken on all pending amendments.

Mr. CANNON. That is on the Commerce Court?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The Chair will ask the gentleman from South Carolina who is to control the time?

Mr. JOHNSON of South Carolina. I ask further, Mr. Chairman, that the gentleman from Minnesota [Mr. STEVENS] control the time on that side of the House and the gentleman from Tennessee [Mr. SIMS] on this side of the House.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that there may be one hour for general debate on each side on section 10, one hour to be controlled by the gentleman from Tennessee [Mr. SIMS] and one hour by the gentleman from Minnesota [Mr. STEVENS]; that during the two hours' debate amendments may be offered, which shall be pending until the debate closes, and that the vote shall then be taken on all pending amendments and on the section. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, I should like to ask the chairman of the subcommittee a question as to when we shall probably vote upon the legislative bill. The reason I ask that is because it is necessary for me to be absent from the city after to-day.

Mr. FITZGERALD. We expect to conclude this bill to-day.

Mr. DYER. I understand, then, that we will finish the consideration of the bill before the end of to-day's session?

Mr. FITZGERALD. We hope to do that.

Mr. DYER. That we will go on with a night session and finish it up?

Mr. FITZGERALD. If necessary.

Mr. DYER. Unless there is some understanding to that extent, I shall feel like objecting to spending so much time on one section.

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. DYER. I do not object.

Mr. FITZGERALD. We can not make any definite statement as to when this bill will be voted on, but we desire to finish the bill to-day.

Mr. MANN. That is the desire on both sides.

Mr. FITZGERALD. The disposition on both sides is to finish this bill to-day, and we hope to stay here long enough to do it.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for one hour.

Mr. SIMS. Mr. Chairman, inasmuch as there was no general debate on this section while the bill was being considered in

general debate, and inasmuch as every Member of the House who may be present will have to vote on it, I hope I may have your attention while I explain the reasons why I favor the retention of section 10 of this bill.

There has been so much political agitation in the last year or so about the questions of initiative, referendum, and recall of judicial as well as other officers that it is possible there may be some prejudice or some feeling engendered by present political conditions, and so I want to say that there ought to be no such prejudices or feelings in connection with the consideration of this proposition. It ought to be considered on its merits, without any reference whatever to any political or partisan effect it may have one way or the other.

In order to understand this matter clearly, to view it from the standpoint from which I view it, you must remember that this court began its sessions a little over a year ago, in February, 1911. The bill creating the court became a law June 18, 1910. That was commonly called the "Townsend bill," because the gentleman from Michigan [Mr. TOWNSEND] introduced the bill out of which the law was constructed.

That bill was, in substance, recommended by the message of the President of the United States. It created a new and special court. The argument in its favor was that there should be a court of experts, specially fitted by reason of expert knowledge, to pass upon questions arising out of suits brought either to enforce, annul, or suspend the orders of the Interstate Commerce Commission. That bill as recommended in the message and as introduced contained a number of provisions outside of those creating the Commerce Court. Among others was what was called the merger provision, by which railroads might make certain agreements along the lines of a merger, by way of consolidation or absorption, which agreements, it was provided in the bill as introduced, might be submitted in the form of a moot case—the word "moot" is my own—to be passed upon by the Commerce Court, which should determine the questions involved before the merger actually took place. Be it sufficient to say that the bill was amended in every section, as I now remember, except the first six, which created the Commerce Court; that is, I mean it was amended substantially. The bill, which became a law, in my opinion, would have been a splendid piece of legislation if the Commerce Court had been left out. No doubt many Members voted for the bill on account of the good legislation it contained who would not have voted for it at all if it had contained no provisions except those for the creation of this Commerce Court.

Mr. Chairman, this is not a political or party question, and ought not to be so considered; but I am simply stating the history of the creation of this court when I say that it was very nearly a party question, because, after the bill was reported to the House, and while it was being considered in Committee of the Whole, a motion was made to strike out the sections creating the Commerce Court, and upon a vote in the committee it took the negative vote of the gentleman from New York, Mr. Bennet, who was presiding as Chairman of the Committee of the Whole House on the state of the Union, in order to defeat the motion by a tie. Of course there is no record to show who voted for or against that motion, but when the bill was finally brought into the House, the present chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] made a motion to recommit the bill with instructions to strike out the six sections creating the Commerce Court. On that motion there was a yea-and-nay vote. The vote was taken on May 10, 1910, in the second session of the Sixty-first Congress, and there were—yeas 157, nays 176, the motion to strike out being defeated by 19 majority.

Mr. NYE. On what page of the RECORD is that vote found?

Mr. SIMS. On page 6032 of the RECORD. Now, an examination of that vote will show that every Democrat in the House who voted at all voted in favor of the motion to recommit and strike out, and a number of Republicans voted for that motion.

The proposition contained in this appropriation bill is in effect and in fact just what that motion was, no more and no less. It is simply to repeal so much of the act as created the court, but repealing no other part or portion of the act.

I say that was a partisan vote, in this sense, that all the Democrats were opposed to it, although several Republicans, as shown by the RECORD, were also opposed to the creation of the court. I think I state a fact which is known to every Member, that that court never would have been created had it not been for the insistence of the President and the Attorney General. I opposed the creation of the court. I devoted my entire time in general debate in opposition to the creation of a special court.

Why did we need this special court, and why do we need to have it continued now? Before the Hepburn Act passed in

1906 the orders of the Interstate Commerce Commission did not go into effect of their own force. If the carriers refused to comply with those orders, it required a suit brought by the commission in a court to have the order enforced.

Therefore, prior to the Hepburn Act it was necessary to have a suit in order to have an order executed. In that way delay was very injurious to the shippers or to the parties, whoever they might be, in the execution of the order. But after the Hepburn Act, and especially since the act of 1910, the order goes into effect as a matter of law unless it is enjoined by a suit brought for that purpose.

Now, who brings these suits? Only parties in opposition to the orders. I call your attention to the fact that this Commerce Court has no jurisdiction whatever of any kind or class of cases except suits brought in opposition to and, so to speak, destructive of the orders of the commission. Why should we create a special antagonistic court to stand in terror over a body created by Congress? Why, if we have a special court, should it not be open to all suits growing out of the fourteenth as well as the fifth amendment? The entire jurisdiction is negative, and I do not care how high the character of the judges may be, how unbiased they may be when assigned to this court, is it reasonable to suppose that they can hear day in and day out, year in and year out, a continual onslaught of denunciation of the commission without becoming biased against that commission?

We might as well face the situation. This country is going to thoroughly, efficiently, and justly control transportation rates and common carriers or own the railroads. Which do you prefer, my friends? I prefer just, honest, and thorough regulation and control.

Now, as I say, the cry was to expedite the action before the Hepburn Act. Then one of the chief arguments of constituting this court was to expedite cases; the complaints were that the cases in the lower courts, the circuit courts then, were delayed; that they were not tried promptly. Now, the order is not enjoined, the rate goes into effect of its own force. Now, who is interested in enjoining the order of the Interstate Commerce Commission relative to rates? The railroads only. When we are expediting the trial of cases now in antagonism of the orders of the Interstate Commerce Commission, it is altogether a railroad benefit. It is expediting a trial whereby the order of the commission is intended to be destroyed and annihilated.

Having created a body of great rate experts with a special examination provided for, and after a full hearing as to the rate complained of, or on their own motion, ought the orders of that commission under all these circumstances to be lightly enjoined? Remember that when an order of the commission is made and its effective date fixed that that order begins to run from the date fixed in it; that it can live only two years; that the commission on the next day of its own motion can modify and change it. Now, I appeal to you, what equity and justice is there in permitting the carrier to enjoin by a preliminary injunction that order until a great portion of the two years has expired without the time so enjoined being deducted from the period of the life of the order? That is the law to-day. I introduced a bill which the Committee on Interstate and Foreign Commerce favorably reported, limiting the life of a preliminary injunction to 90 days. That will be the greatest expediting act that was ever passed if it becomes a law, but it is not being considered in this bill.

There is no need of a long time in the court to prepare a case for its hearing that has been thoroughly gone over before the commission when the order was being considered.

I know it has been said by some—even by the Attorney General of the United States—in effect that these judges, or some of them, can go out and take testimony and hear witnesses. Who, among the great lawyers of this body, ever heard a plea of that sort put forth to justify new conditions in equity suits? As a rule the evidence in all equity suits is taken before a commissioner or special officer, and rarely, if ever, before the judge who tries the cause.

The Commerce Court is authorized to issue temporary injunctions without any time limit whatever, and after the cause is tried it may be appealed to the Supreme Court if it amounts to anything, either in the amount involved or the questions raised. While we have expediting laws for the Commerce Court, the district court, and the Supreme Court, as to these cases, as to the hearing, there is not and can not be an expediting act that will cause or force the judges of the courts after they have heard the case to determine the case until they see proper.

Now, a case was heard by the Commerce Court affecting the New Orleans and Montgomery rates a year ago last April. The court held it under advisement until the 29th day of Feb-

ruary, 1912. I do not question the right they had to do it. It may have been the proper thing to have done. But if you will look at the record of the highest court of the land, under the present law in appeals from orders granting preliminary injunctions by the Commerce Court, you will find that in the early part of January the Supreme Court heard two of these cases involving the issuance of preliminary injunctions and these cases have been undecided to this hour by the highest court of the land.

I am not complaining of the action of the court, but how can we force a judge or a court to render a decision until it has thoroughly considered the case?

Mr. CAMPBELL. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. CAMPBELL. Is it not a fact that on motion of the Attorney General of the United States in a case of the character involving the enforcement of the antitrust laws the orders of the Interstate Commerce Commission are not advanced in the Supreme Court as soon as filed?

Mr. SIMS. I have stated that, as far as we can go, we have passed expediting acts that apply to the hearings of these cases.

Mr. CAMPBELL. Is it not the practice of the court to advance the causes on motion of the Attorney General?

Mr. SIMS. On a certificate of importance that is true, but what I am trying to get gentlemen to see is that the court has a right to take its own time to decide a case, so there is no effective way by which Congress can do more than to expedite a hearing or trial. But, Mr. Chairman, how many cases do you suppose have been brought in all courts affecting the orders of the commission pro and con since the passage of the Hepburn Act? That act was passed June 29, 1906. There are to this day, including the cases before the circuit courts and the Commerce Court, only 85 all told. How many were brought by the commission to enforce its orders? One only. Now, then, a large number of those 85 cases were never tried. Take the position that every one was tried, and it does not amount to exceeding 14 cases a year. With ninety-odd district courts it is foolishness, according to my judgment, for anybody to say that 14 cases a year can not be tried in the district courts when the expediting act applies to those courts. No suit can arise under the order of the commission except upon one of two questions. The first is, Did the commission have the power to make the order? That is a question of law which must be determined by the courts. It is not an unusual question. There is nothing in the nature of expert knowledge required to construe the statutes. What is the next? Is the order confiscatory and violates the fifth amendment of the Constitution of the United States—which is a question of fact. Why does not the great State of New York, with its ten or eleven thousand miles of railroads, with its hundreds of questions arising by the State laws as to the common carriers, why do not they have an expert court? It, to me, is a most unreasonable contention that we must have an expert trial court when we must have a nonexpert court of last resort. Besides what I have just stated, an extra expense is incurred.

One of the strangest things I have ever known was in the bill as originally introduced. It provided that the circuit judges, having \$7,000 salaries, like other circuit judges, should have in addition thereto \$3,000 per annum for "living in Washington." The bill as passed reduced it to \$1,500. Do we give the judges of the Supreme Court anything above their salaries for living in Washington? Do we give the judges of the courts in the District anything above their salaries for living in Washington? Do we give the Court of Claims judges anything extra to their salaries for living in Washington? Do we give the judges of the Customs Court anything above their salaries for living in Washington? Why is it that this should be made a pet and favored court by Congress?

Mr. MICHAEL E. DRISCOLL. Will the gentleman permit a question?

Mr. SIMS. Yes.

Mr. MICHAEL E. DRISCOLL. I have never stood in this House for increasing the salaries of judges, and I do not stand for this, and if I had a chance to vote I would be willing to vote it down to the salaries of the circuit judges throughout the country, but if the salaries are cut down to the same as the circuit judges throughout the country will the gentleman be satisfied with that and not ask to strike down this court?

Mr. SIMS. No; no expense would stand in my way if this court was necessary to have justice done between the shippers and the common carriers. I never had a lawsuit against a railroad or had one for a railroad. I have no feeling or prejudice in this matter whatever.

Mr. MICHAEL E. DRISCOLL. You mean as an attorney?

Mr. SIMS. I never had a lawsuit against a railroad and never represented a railroad in my life. Can the gentleman say as much?

Mr. MICHAEL E. DRISCOLL. I have had a great many against railroads, but never had one for them.

Mr. SIMS. That is not a question, or ought not to be. Now, the amount appropriated for this court the first year was \$94,500. They brought in estimates for \$74,500 for the next year. Every cent of that amount will be saved by the abolishment of this court, because it does not include the salaries of the judges.

We do not abolish the judges; they will remain circuit judges and can be and will be assigned to duty in the respective circuits. And why does my friend want to have a pet court, with extra allowances for living in the finest city on earth, in order to try 14 cases a year upon the average, and which will grow fewer each year as time goes on? We do not need this court—

Mr. BARTLETT. Will the gentleman allow me to interrupt him?

Mr. SIMS (continuing). And if there is no other reason why it should be abolished, why, that is a good one. I yield to the gentleman.

Mr. BARTLETT. Does the gentleman propose to put in the number of cases that have been filed in this court since its organization?

Mr. SIMS. Yes, sir.

Mr. BARTLETT. I am not speaking about the district courts, but since 1910—

Mr. SIMS. I have all cases separated.

Mr. BARTLETT. Up to December 11 there were only 57 cases that have been filed.

Mr. SIMS. Including those transferred.

Mr. BARTLETT. All.

Mr. SIMS. All.

Mr. BARTLETT. And of that number only 12 are pending.

Mr. SIMS. Yes.

Mr. BARTLETT. And most of them are dismissed, according to the report of the commissioner, by the petitioners or went out of court upon a preliminary order, and there are only 12 remaining undisposed of.

Mr. SIMS. I wrote to the Interstate Commerce Commission the following letter, which I will here insert:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAR CLAIMS,
Washington, D. C., May 3, 1912.

HON. SECRETARY OF THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

MY DEAR SIR: Will you kindly furnish me the following information concerning cases instituted in court since the passage of the Hepburn Act, June 29, 1906, for the purpose of enforcing and annulling orders made by the Interstate Commerce Commission:

Total number of cases.
Number instituted in the circuit courts.
Number instituted in the Commerce Court.
Number transferred from circuit courts to Commerce Court.
Preliminary injunctions granted and refused by circuit courts.
Preliminary injunctions granted and refused by the Commerce Court.
Final decrees in favor of and against the commission in the circuit courts.
Final decrees in favor of or against the commission in the Commerce Court.
Number of cases finally disposed of by the Supreme Court of the United States upon appeal.
Number in which the commission was upheld or otherwise.
I also wish to obtain information concerning the present condition of the docket of the Commerce Court; that is, the total number of cases now on that docket and the number of cases dismissed from that docket without hearing either by reason of action taken by the Supreme Court or otherwise.
Number of cases appealed to the Supreme Court from the Commerce Court in which preliminary injunctions were granted.
Number of such cases disposed of by Supreme Court and manner of disposition.

Very truly, yours,

T. W. SIMS.

And I have a reply as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, May 6, 1912.

HON. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry of the 3d instant, I report as follows concerning cases instituted in court since the passage of the Hepburn Act, June 29, 1906, for the purpose of enforcing and annulling orders made by the Interstate Commerce Commission:

Total number of cases, 85.
Number instituted in the circuit courts, 57.
Number instituted in the Commerce Court, 28.
Number transferred from circuit courts to Commerce Court, 33.
Number in which preliminary injunctions were granted by circuit courts, 11.
Number in which preliminary injunctions were refused by circuit courts, 15.
Number in which preliminary injunctions were granted by Commerce Court, 9.
Number in which preliminary injunctions were refused by Commerce Court, 7.

Number in which permanent injunctions were issued by circuit courts, 8.

Number in which orders of the commission were upheld on final hearing by circuit courts, 8.

Number in which permanent injunctions were issued by Commerce Court, 11.

Number in which orders of the commission were upheld on final hearing by Commerce Court, 8.

Of the 85 cases, 20 have been finally disposed of, upon appeal, by the Supreme Court, as follows:

In 14, the orders of the commission were upheld; in 4, the orders of the commission were held to be invalid; and in 2, known as the Peavey and Duffenbaugh Elevator cases, the orders of the commission were upheld in part and condemned in part.

Of the cases passed upon by the Commerce Court, 16 have been appealed to the Supreme Court, but only 4 of these have been decided by the latter court. In these 4, known as the Water Carrier cases, the Supreme Court upheld the orders of the commission and reversed the decrees of the Commerce Court.

Of the cases docketed in the Commerce Court, 21 were dismissed by the carriers.

Of the 85 cases, only 1 was instituted to enforce an order of the commission, but that was afterwards dismissed because the carrier against whom the order was directed had complied with the terms of the order.

In only 4 cases have appeals been taken to the Supreme Court from decrees of the Commerce Court granting preliminary injunctions, but no decision has been rendered by the Supreme Court in any of these cases.

There are 24 cases now on the Commerce Court docket, 4 of which are also pending in the Supreme Court upon appeals from decrees granting preliminary injunctions as aforesaid.

Very respectfully,

JOHN H. MARBLE, Secretary.

Mr. BARTLETT. Those are all the cases—I mean in reference to the Commerce Court?

Mr. SIMS. It states all of that. Now, as to preliminary injunctions. There were 26 applications to circuit courts under the Hepburn law before this court was created. Of applications for preliminary injunctions, the circuit courts issued 11 and refused 15. There has been in the Commerce Court 16 applications for preliminary injunctions, and the Commerce Court issued 9 and refused 7. So you see that the commission is getting the worst of it compared with the circuit courts. I have other information furnished me in printed form by a gentleman from New York, Mr. Schurz, which I will put in the RECORD.

39 CORTLANDT STREET,
New York, April 30, 1912.

DEAR SIR: The review of court opinions affecting interstate-commerce cases, inclosed herewith, is compiled to show what has been the ultimate result to shippers or the man who pays the freight.

From January 1, 1904, to December 31, 1911, a period of eight years, 59 actions have been before the courts and 8 additional suits have been filed to date, making a total of 67.

Thirty-eight of these have reached final conclusion; of this number only two have been lost:

No. 7, terminal charges of \$2 per car on live stock at Chicago.

No. 12, relations of rates between packing-house product and live stock.

Leaving 10 on appeal to the Supreme Court, 14 in the Commerce Court, 2 on rehearing by the commission, and 3 held up awaiting appeal.

On the 17 decisions of the Commerce Court unfavorable to shippers, 15 have been appealed to the Supreme Court; 4 of these have been decided by this court to date, in which the Commerce Court was reversed in the 4 cases and the commission contention upheld. Of the cases appealed by carriers to the courts the Harriman line, the Atchison, Topeka & Santa Fe Railway and the Louisville & Nashville Railroad Cos., exceed by far in the number of contested cases.

In the decisions of the commission up to December 31, 1910, it is significant to note that the former chairman upheld the carrier in 34 out of the 42 cases, having a division of the commission in the seven years reviewed. In a great number of these cases the controversy involved far-reaching results and big reductions or reparation claims were involved. In all of these cases that have been reviewed by the Supreme Court the contentions of the complainants have been sustained. The most important were the famous—

Page 13, No. 3. Yellow-pine lumber advances condemned by the commission and reparation of over \$4,000,000 involved.

Page 13, Nos. 2-12. Two cattle-rate cases, one involving a reduction of rates of over \$1,000,000 per year.

Page 14, Nos. 14, 15, 16, 17. Four western lumber-rate cases involving upward of \$1,000,000 per year.

Page 15, No. 20. Consolidated carload cases.

Page 15, No. 22. Lighterage allowances, New York Harbor discrimination as to shippers.

Page 15, No. 23. Alaska carriers.

Page 16, No. 34. Reduction in Pullman fares.

Page 16, No. 35. Terminal charges Los Angeles and San Francisco.

Page 16, No. 37. Refusal of claim for greater reduction to southern points from Cincinnati.

Page 17, No. 39. Reduction in rates on hay.

In every one of these cases Chairman Knapp wrote vigorous opinions upholding the carriers. These opinions, coupled with the opinions of the Commerce Court rendered against the shippers, show the strong leaning of the former chairman to the carriers' welfare and go to show the cause for the present agitation for the abolishment of this court. The results show that it has placed itself in a position of a second or higher commission.

The opinions in the California switching, lemon rate reduction, New Orleans class rates, water carriers, and the infamous "back-haul" cases demonstrate the correct opinions of the many Congressmen and Senators against the establishment of this court, and shows the utter uselessness of this court of special jurisdiction supposed to have special training in the technicalities of the interstate-commerce law.

President Taft must have encountered considerable objection from the leading members of the circuit courts, particularly those that have handled commission cases, to accept appointments to this court.

Yours,

JAMES R. SCHURZ.

Final results to shippers of interstate-commerce cases in the courts, Jan. 1, 1904, to Apr. 30, 1912.

Review case No.	Subject.	Lower courts.	Supreme Court.
1	Rates on grain.....	Won ¹	
2	Rates on lumber.....	do.....	Won.
3	Terminal charges.....	do.....	Do.
4	Elevator allowances.....	do.....	Do.
5	Terminal facilities.....	do.....	
6	Passenger accommodations.....	do.....	
7	Chicago terminal charges (cattle).....	Lost.....	Lost.
8	Rates on grain and flour.....	Won ¹	
9	Rates on beer.....	do.....	
10	Rates on coal.....	do.....	
11	Distribution of coal cars.....	Won part.....	Won.
12	Rates on packing-house product.....	Lost.....	Lost.
12A	Rates on cattle.....	Won ¹	
16	Rates on lumber.....	Lost.....	Won.
17	Distribution of coal cars.....	do.....	Do.
18	Rates on consolidated carloads.....	do.....	Do.
19	.....do.....	do.....	Do.
20	Switch connection lateral lines.....	do.....	Law amended.
21	Terminal charges.....	Won.....	Won.
22	Rates between Mississippi and Missouri Rivers.....	Lost.....	Do.
23	Rates on grain and flour.....	Won ¹	
24	Rates on iron products.....	do.....	
25	Rates on flaxseed.....	do.....	
26	Elevator allowances.....	do.....	Do.
27	Misrouting damages.....	do.....	
28	Rates between Mississippi and Missouri Rivers.....	Lost.....	Do.
29	Through passenger route.....	do.....	Law amended.
30	Rates on coal.....	Won ¹	
31	Class rates Des Moines.....	do.....	
39	Pullman fares.....	do.....	Won.
43	Alaska carriers.....	do.....	
44	Intermountain class rates.....	do.....	
45	Class rates.....	do.....	
47	Rates on cottonseed oil.....	do.....	
50	Precooling California fruit.....	do.....	
53	Rates on anthracite coal.....	do.....	
	Accounts of water-line carriers.....	Lost.....	Do.
	Furnishing of coal cars.....	Won ¹	

¹Final.

Of these 38 cases only 2 were lost: Rates on packing-house product and Chicago terminal stockyard charges.

Cases awaiting argument and decision of the Supreme Court.

Review case No.	Subject.	Commerce Court.
32	New Orleans class rates.....	Shippers lost.
33	Street car fares.....	Won.
37	Cincinnati Southern rates.....	Lost.
38	Distribution of coal cars.....	Won.
40	California terminal switching.....	Lost.
48	Private car demurrage.....	Do.
49	Lighterage allowances.....	Do.
51	Restricted rates.....	Do.
56	Long and short haul clause, intermountain rates.....	Do.
57	.....do.....	Do.
	Jurisdiction as to Chicago Junction Railway Co.....	Won part.

Active cases still before the Commerce Court awaiting decision.

CASES ARGUED AND SUBMITTED.

- 15. Willamette Valley Lumber Rates.
- 36. Tap Line Allowance Crane Railroad Co.
- 52. Reparation Claim Coke Shipment.
- 54. Milling in Transit, temporary injunction issued.

AWAITING TESTIMONY AND ARGUMENT.

- 13-14. Reparation Claim Lumber Shipments.
- 34. Rates on Boots and Shoes to Atlanta, Ga.
- 42. Lumber Rates to Omaha.
- 46. Rates on California Lemons.
- 58. Rates on Vegetables from Florida, temporary injunction issued.
- 11-16-11. Classification of Accounts.
- 2-24-12. Advance in Illinois Coal Rates.
- 3-7-12. Reparation Claim Cattle Shipments.
- 4-11-12. Rates on Bituminous Coal, Augusta, Ga.

CASES ON REHEARING BEFORE THE COMMISSION.

- 55. Reparation Claim Coke Shipments.
- 3-15-12. Elevator Allowances.

CASES HELD UP FOR APPEAL.

- 35. Tap Line Allowances.
- 41. Reparation Claims, due to dates of payments of freight charges.
- 1-22-12. Connections with lateral lines.

RESULTS TO SHIPPERS TO DATE FROM COMMERCE COURT.

Twenty-two final decisions—won 7, lost 15.

Nine preliminary decisions—won 3, lost 6.

Of the 65 cases before the Commerce Court, 10 were hours of service cases (all dismissed); 5 were accounting rules; 17 were actions started by shippers and the commission—leaving 32 rate cases contested by carriers—5 by the Harriman lines; 7 by the Atchison, Topeka & Santa Fe Railway Co.; 4 by Louisville & Nashville Railroad Co.; the 16 representing one-half of the rate cases.

It costs, or will cost in the future, at least \$5,000 a case more to the Government to try it in the Commerce Court than it will cost in the district court or than it did cost in the circuit courts before the Commerce Court was created. Why should we have

this extraordinary expense, wholly unnecessary in the administration of justice?

The CHAIRMAN. The gentleman from Tennessee [Mr. Sims] has occupied 30 minutes.

Mr. SIMS. Mr. Chairman, I reserve the balance of my time. Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. Thirty minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, I request to be notified at the end of 15 minutes. I confess that I have some hesitation in addressing the committee on this measure. When the bill was first before the Interstate Commerce Committee a few years ago, I then had some objection to the creation of a Commerce Court. At that time I had some doubt as to whether it was necessary. When the gentleman from Tennessee presented his bill for the abolition of the Commerce Court at this session some testimony was taken and some examination was given to the subject, and I frankly admit that my point of view has somewhat changed; so together with those of the Interstate Commerce Committee who believed there were good reasons for the continuance of a Commerce Court I joined in a minority report as to the bill of the gentleman from Tennessee, which is a part of the files of this House. Now, the reasons why we believe that a Commerce Court or some similar tribunal having such duties should be continued are practically these:

First. Because the class of cases which would come before the court is a peculiar class, affecting the general public in a broad and peculiar way, entering into nearly every detail of the industrial and productive life of our people, much different than do other classes of litigation.

Second. That the establishment of the Commerce Court will greatly expedite a final determination of that important class of cases so vitally affecting such general public interests.

Third. Because it conduces to uniformity of decision, which is necessary for the good administration of the interstate-commerce law, and for a right understanding of the shippers and the carriers in the carrying out in good faith of the provisions of that law.

Fourth. Because it is a matter of economy to the litigants, especially the poorer shippers, who have occasion to contest the orders of the commission with the carrier. It is not only a matter of economy as to actual expenditures incurred in the course of the case, but also a matter of celerity of determination, which is also an economy with them.

Fifth. That the continuance of the Commerce Court insures the continuance of the extremely serviceable work of Judge Knapp for the mediation and conciliation of industrial labor disputes under the Erdman Act.

This amendment in the bill, section 10, would abolish the use of one of the most important members of that board of conciliation and mediation. The reason why a special court is necessary, is because under the interstate-commerce law the fixing of future rates is a legislative act; and so the commission itself is an arm of Congress for the purpose of administering in a broad and fair way the beneficent provisions of interstate-commerce law; and especially the regulation of the many varieties of conduct of carriers and the fixing of rates for future service. That especially is a legislative act. It very largely affects public interests in nearly every line of production and distribution in this country. It may happen that a single carrier or a single shipper may be the only person who appears before the commission or the court in actual litigation concerning a contested rate. But as a matter of fact, the litigation itself may particularly affect whole sections of the country, and for that reason we ought to have a court which can consider these matters in the broadest sort of a way, a court of experience, a court of learning, a court which is accustomed to that sort of work, instead of having that class of litigation, almost along the line of legislation, mixed up with a lot of private causes affecting only the personal affairs of the litigants. These two classes of litigation are entirely different and, from the reason of things affecting public interests, they should be separated. It seems to me now, for that reason, we ought to have some special tribunal for the same reason, only more important, that we have a special tribunal in the administration of the customs law. With a special tribunal accustomed to this class of cases, with a constant and varied experience along this class of work we ought to have the utmost speed and certainty in the determination of these cases. Under the law before the enactment of a Commerce Court, and after the passage of the Hepburn bill, as shown by the reports of the Interstate Commerce Commission in 1909 and 1910, the commission itself was objecting very strongly to the way the courts were then conducting the litigation of the commission. Some of you have doubtless read in the last report of the Inter-

state Commerce Commission its criticism of the Commerce Court. It is rather amusing in view of that rather unusual procedure in an important official report to read the language of the commission in its previous report of 1910, as found on page 20 of that report, because it shows clearly the difficulties which will in the future arise in the ordinary district courts hereafter and the circuit courts which before conducted the interstate-commerce litigation. The commission, on page 20, stated there were two very important classes of cases, one affecting the cattle raisers in the Southwest; the other affecting the lumber interests of the Northwest.

Here the commission states:

Both these cases were of very great importance, involving large amounts of money and vast commercial considerations. Both cases received most careful attention at the hands of the commission. In both the decision of the commission was reviewed by a single master in chancery. The court did not hear the testimony and could not have examined the record before rendering its decision.

Now, mark carefully the final paragraph:

The existence of the new Commerce Court will provide a tribunal for the hearing of these questions which will avoid at least the absurdity involved in the above proceedings.

Now, that was the language of the commission at the time of the establishment of the court, and it discloses the very weakness of having the important orders of this commission properly considered before the ordinary circuit or district court which is bound to arise hereafter if the committee shall be supported. Consider a moment. There are about 30 circuit judges provided for in this bill and about 93 district judges, if I have the number aright. These judges are good men; they are men of broad experience in most lines of law and litigation. But as a rule they are not thoroughly acquainted with this very important class of litigation. The records of the Interstate Commerce Commission of very many of the cases contested in the courts are voluminous. Some of them probably contain 10 or 15 volumes of testimony. These cases are of great importance usually, and such testimony ought to be examined with great care by the court, because the case probably involves the welfare of communities, industries, and possibly thousands of people. It is one of the criticisms as to the commission to-day that this very important testimony is generally taken by the commission, even in very important matters, not by the commissioners themselves but by examiners sent out by the commission, while the commissioners can know nothing about the testimony in these very important matters involving whole sections of the country until the matter is brought before the commission in argument. The commission has made exactly that same complaint about the district judges in the past, and that complaint will be worse as time goes on, because the great volume of interstate-commerce investigations will be necessarily concentrated in comparatively few courts in the country—very few. An examination of the records of the Interstate Commerce Commission for 1908, 1909, and 1910, after the passage of the Hepburn bill, will show that not more than a dozen different circuit courts in the country had the trial and determination of probably 90 per cent of all the cases involving the interstate-commerce law.

Now, those courts were the very ones which also had a very large volume of general civil and criminal business. At San Francisco, at Kansas City, at St. Louis, and especially at Chicago and New York, St. Paul, Baltimore, and Philadelphia, those courts have the great bulk of the litigation concerning interstate commerce of the country. And more than that, under the old method, and the method that would be in existence if this amendment abolishing the court were adopted, the carriers would not be compelled to bring their litigation in any one place which would suit the shippers or the commission, but they could bring it anywhere they chose along the line of their railway. This gives them the choice of a favorable forum, suited either for delay, in case that be desired, or where the judge who would try the case had already indicated his view as to the law. The report of the Attorney General and the previous reports of the Interstate Commerce Commission show that, as to cases on the Pacific coast, notably the Los Angeles Lemon case and the San Francisco Switching case, were not brought in California, where the litigation arose, but were brought in Kansas, because it was on the same line of railway. Some cases in the South, involving the rate from New Orleans to Mobile, were not brought in Alabama or in Louisiana, but were brought in Kentucky. The Cattle cases in the Southwest were decided in St. Paul and the Lumber cases of the Northwest were also decided in St. Paul. Under the amendment proposed in the bill, if it be adopted, this litigation would then be brought in the forum which would best suit the carrier instead of the forum especially created for that pur-

pose and directly responsible to the country for that particular class of cases.

Now, the testimony in these important cases before the commission would be taken by an examiner. The testimony for the circuit and in the future the district court would be taken by a master. The judges themselves would not be able to take any testimony at all. So now about the only place in which testimony as to important litigation would be taken before the judges who have the actual decision of the question would be in the Commerce Court itself, and that is one reason why such a tribunal ought to be maintained in some sort of a way.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Georgia?

Mr. STEVENS of Minnesota. Certainly.

Mr. BARTLETT. Can the gentleman give me any statements as to how many places other than in the District of Columbia in which these judges have held court since the court was organized, or have they done it at all?

Mr. STEVENS of Minnesota. Yes. The judges have taken testimony outside. Of course I have not sought to obtain information as to how long they have been at work in various parts of the United States where they have taken testimony. Of course I have not pretended to find out in detail that information.

Mr. BARTLETT. At last, however, the cases must be tried here?

Mr. STEVENS of Minnesota. Yes; exactly. But the point that the gentleman tries to make and the point that ought to be made is that the Commerce Court would try its cases here; but under the old method cases involving litigation in one part of the country, say in California, might be tried in Kansas, and cases involving matters in Louisiana have been brought in Kentucky, and cattle cases in Oklahoma would be tried in St. Paul, and lumber cases involving matters in Seattle would be tried at St. Paul, so that it saves no trouble or expense to the litigant whether the district court or the Commerce Court tries the litigation. But it does make a difference in the matter of taking of testimony, as I have shown, and in the time that is taken to conduct the litigation. The records of the Commerce Court show that only about one-half of the time has been necessary to conduct the litigation that was necessary before to conduct similar litigation in the circuit courts. There is a saving of from six months to a year on the average on the part of the various classes of cases on account of the establishment of the Commerce Court; and that saving of time, very large in the aggregate, does help litigants, and does help to settle the law, and does help to inform the carriers and the shippers what their rights are under the law and what they should do to obey the law.

The gentleman from Tennessee [Mr. SIMS] very severely criticizes the court for apparently favoring the railroad companies. The records that were sent to us from the court and the office of the Attorney General show this situation as to the orders of the Commerce Court: There had been 13 injunctions applied for up to the time that those records were sent to the committee. Six applications for preliminary injunctions were granted and seven were denied.

Mr. BARTLETT. Up to what time—December 1, 1911?

Mr. STEVENS of Minnesota. The information as contained in the reports must have been, I think, up to the time of the annual report of the Attorney General.

Mr. BARTLETT. December 1, 1911?

Mr. STEVENS of Minnesota. Yes. If the committee will recall, the reports of the Interstate Commerce Commission show that about 600 orders are made each year; about that. In some years more are made, and in some years less, but on the average 600 orders are made each year. Out of that number the Commerce Court granted 6 orders for preliminary injunctions. As I stated, there were 600 orders made. Out of that 600 the court granted injunctions in 6, or about 1 per cent of all the orders made by the commission have been enjoined by the Commerce Court.

Mr. SIMS. The gentleman does not mean 600 applications?

Mr. STEVENS of Minnesota. I did not say so. I say that of the 600 orders, 6 have been enjoined, and 7 applications have been denied.

Mr. SIMS. That is only 13 applications.

Mr. STEVENS of Minnesota. I stated that. I said that there were 13 applications, 6 of which had been granted and 7 had been denied.

Now, these reports show the following record as to decisions by the circuit courts, by the Supreme Court, and by the Commerce Court sustaining or reversing the orders of the Interstate

Commerce Commission: The commission was reversed by the old circuit courts under the Hepburn Act in 56 per cent of its cases, by the Commerce Court in 41 per cent of its cases, and the Supreme Court reversed the commission in 45 per cent of its cases, so that the Commerce Court reversed the commission in a smaller proportion of the cases than did either of the other two different classes of courts. The commission was upheld by the circuit courts in 44 per cent, by the Commerce Court in 59 per cent, and by the Supreme Court in 55 per cent of its cases decided by them, so that the Commerce Court had a better record for sustaining the work and the orders of the Interstate Commerce Commission than did either of the two other classes of courts which have reviewed the various orders of the commission.

Now, Mr. Chairman, in the limited time that I have I desire to say one word about uniformity. When the old methods of the courts having jurisdiction under the Hepburn Act were enforced, when the lumber cases were brought before the courts, I think there were three different kinds of orders made; one in Seattle, one in Montana, and the other in St. Paul. They were all different in scope and basis for determination. The railroads, the carriers, and the shippers could not know clearly what to do, and this uncertainty always operated to the disadvantage of the poor litigant and to the advantage of the railroad company.

Under the new method, by which all the litigation goes entirely to one court, this court can inform the public speedily and exactly what is its construction of the law, and what the shippers should be expected to know, and what the railroads should be expected to do. It informs the public at once exactly what their rights are under the law, and enables the Supreme Court to finally determine the matter many months ahead of what could be done in any other way. Under the old method nobody could tell until at the end of two or three years, after a prolonged litigation through the Supreme Court, what the situation was; and I do not believe that such delays and such uncertainties and such confusion and such opportunities for the strong to delay and thwart the course of justice is for the public interest.

Now, again, the gentleman has stated that the members of the Commerce Court do take testimony in the field. They can do it, and they have done it. I do not know to what extent it can be done. But the Commerce Court can do it, and the Commerce Court can send its members anywhere in the United States to take testimony, at the expense of the public and not at the expense of the poor shipper; and those judges can then sit upon such testimony at the final determination of the case. This very important duty could not be done by the old circuit courts, and can not be done by the district courts in case this bill shall pass.

Again, the commission under the law has the right to send their original records from the offices of the commission to the Commerce Court for a hearing on a review of its orders. They could not do it if the court in California or in Washington or in Maine should attempt to review the orders of the commission, because the commission can not afford to let its records go out from Washington. But the very opportunity to transmit the original records to the reviewing court may be the means of greatly expediting the action of the court itself, which may mean very much sometimes; but it may also be the means of saving a large expense, possibly prohibitive, to a poor and worthy litigant. Yet the committee did not seem to consider this important feature to help the poorer shipper who is contesting an important matter with a powerful corporation. Yet that provision for such relief to the shipper would be nugatory in case this amendment to the law be adopted.

Now, one matter more.

Mr. SIMS. The gentleman refers to the poor shippers. Does the gentleman have any idea how few suits are brought by shippers in the Commerce Court?

Mr. STEVENS of Minnesota. Yes, I have; and I will state that about one-fifth of the contested orders have been brought by the shippers, as I am informed, and about four-fifths are brought by the carriers. The reports of the Interstate Commerce Commission will show that many applications for relief are made by shippers and that the number of the shippers seeking such relief from the orders of the commission in the Commerce Court has steadily increased, and probably will so increase in the future. The record further shows that in a number of cases the shippers themselves have been denied relief by the commission and have later obtained relief from the Commerce Court, and as they learn the facility and cheapness with which they can have their complaints tested, undoubtedly such number will continue to increase. The same

jurisdiction might exist in the district courts, but when shippers know the policy of a court they are able to form some idea of about what redress they will get.

Under an act of March 4, 1911, the President had the authority to appoint one of the judges of the Commerce Court to be a member of the board of mediation and conciliation, under the terms of the Erdman Act, to mediate between the railroads and their employees in cases of controversy concerning labor conditions. The President designated Mr. Justice Knapp, of the Commerce Court, for such position. Judge Knapp has acted for many years as such a mediator between employers and employees in labor disputes in interstate traffic, and Judge Knapp and Commissioner of Labor Neill have been extremely fortunate in their dealings with these most important, delicate, and complicated questions. These two high-minded and patriotic officials deserve great commendation for their extremely capable and patriotic efforts during many past years in averting industrial strikes. During the last few weeks Members of this House, no doubt, and the country as well, have noted with much interest and with much concern the able, disinterested, and successful efforts of these two men in averting the catastrophe of a strike which was threatened as the result of a controversy between the locomotive engineers and their railroad companies in the Eastern States. Now, this bill abolishes the Commerce Court and takes away the power of Judge Knapp to act as one of these mediators.

Mr. SIMS. How will that affect Judge Knapp? He remains a circuit judge, just as he is now.

Mr. STEVENS of Minnesota. Yes; but the law provides for the appointment of a justice of the Commerce Court, and this abolishes the Commerce Court, and consequently he would then have no official status under any law to act as such an important mediator. If this measure had been the law, it is possible the awful strike, almost under way, could not have been averted. It seems to me folly for us to take any chance of losing the valuable services of an able official in such an emergency.

Mr. SIMS. We can take care of that by an amendment, and if you want it I will put that in.

Mr. STEVENS of Minnesota. You have not done it; and I am speaking of the law just as it is. That provision ought not to be overlooked, in the interest of industrial peace in this country. [Applause.]

Mr. Chairman, I reserve the remainder of my time. Does the gentleman from Tennessee desire to use any more of his time?

Mr. SIMS. I have used 30 minutes. How much time has the gentleman used?

The CHAIRMAN. The gentleman from Minnesota has used 23 minutes.

Mr. SIMS. We want to close on this side, and there are some gentlemen who want to speak. Will the gentleman from Minnesota use some more of his time?

Mr. STEVENS of Minnesota. I yield as much time as he desires to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Chairman and gentlemen, I am aware that this is a very dry subject and that it is not easy to interest Members in it in a short debate of this kind. I am aware also that there was pretty strong opposition to the law creating this court two years ago, and that there has been much agitation against it ever since, and that the court has never had a fair chance before the bar of public opinion. My hope is that each of you has before this time given the question some consideration and study, because I believe that every fair-minded Member on either side of the middle aisle who has given thorough study to this question and is familiar with its work and its record will agree that it would be a mistake to abolish the Commerce Court at this time, a mistake which would work great injury not only to the interests of the carriers, but to the shippers and to the commerce of the country.

The gentleman from Minnesota [Mr. STEVENS] in his very able and comprehensive speech has touched upon practically every point in favor of the retention of the court. Therefore I must travel over some of the same ground covered by him, and to some extent elaborate the arguments which he made.

As I recollect, when this court was created by the law of June 18, 1910, the promise was made by its advocates that it would accomplish three good results: First, that it would expedite business; second, that it would tend toward uniformity in the law as established by cases decided; and, third, that it would tend toward economy in the saving of time, trouble, and expense to the litigants.

The circuit courts before which actions and proceedings were brought for reviewing the orders of the Interstate Commerce Commission prior to the creation of the Commerce Court were congested, especially in those parts of the country and in circuits in which this class of cases arose and in which, naturally, they were brought. On account of other cases and business pending before them, they were not able to give the prompt attention to the interstate-commerce cases which their importance and interest to the whole country demanded; and many cases were pending in those courts for long periods of time before they were tried and determined. It was therefore believed wise and quite necessary to create the Commerce Court, in order that all cases could be promptly disposed of and pushed along to the Supreme Court for final decision in case any of the parties who felt aggrieved concluded to appeal to that court.

We submit that the promise of expedition in the dispatch of business made for that court has been made good; that it has tried and decided all cases before it, during its existence, more promptly than they were ever tried before its creation, and more promptly than they will be tried in the future in the district courts of the country in case the Commerce Court is abolished.

When the Commerce Court was organized there were about 30 cases pending in the various circuit courts of the country which had not been tried, and they were transferred to the Commerce Court and speedily disposed of. No one can question the fact that by this court cases were actually hastened along more rapidly than could be realized under any expediting act. A notable instance in proof of this is the "intermountain cases," which were of very general interest and attracted wide attention. They were begun in October, 1911, heard and decided by the Commerce Court in December, 1911, and finally argued and submitted to the Supreme Court in February, 1912, only about four months after they were commenced.

Again, those who favored the creation of the Commerce Court promised that a fair degree of uniformity of decisions would follow the trial of those cases and the review of all the orders of the Interstate Commerce Commission by that court.

My friend from Tennessee [Mr. SIMS] does not seem to want uniformity, because he objects to an expert court. Mr. Chairman, I believe in experts. If I had a difficult case involving large interests, I would prefer to employ a lawyer who made the particular phase or department of the law involved in that litigation a specialty. If I had a patent case, I would want to employ an expert patent lawyer; if I had a complicated lawsuit growing out of commercial transactions, I would prefer to employ an expert commercial lawyer. The Commerce Court is made up of experts on the law which applies to interstate commerce, or they will be experts if they are allowed to continue long enough in this particular kind of work, provided they are men of good ability and hard workers. The Commissioner of Patents is supposed to be an expert. The Commerce Court is supposed to be made up of experts, and the more familiar they are with the questions arising in that court the more efficient judges they are. The members of the Interstate Commerce Commission are experts or become so. If men who devote all of their time to one particular class of cases do not become experts then, it seems to me, they are men of inferior ability or they are not employing their time faithfully and usefully.

Mr. JACKSON. Why is it necessary, then, to have another body of experts to pass on the decisions of the Interstate Commerce Commission, who are said to be the best experts in the world on the subject?

Mr. MICHAEL E. DRISCOLL. The orders of the Interstate Commerce Commission were reviewed prior to the creation of the Commerce Court, and will, if this court is abolished, continue to be reviewed by some court. Would you rather have them reviewed by an expert court which has given much time and study and attention to that particular kind of questions and to that field or department of law, or submit them to a district judge, perhaps down in New Orleans, or in Maine, or out in Seattle, or somewhere else, who perhaps has never had a case of that character before, and might spend the whole year on one case and then not know as much about it as the Commerce Court does to start with?

By this amendment you admit that you are to have some sort of a court to review the decisions and orders of the Interstate Commerce Commission. Would you rather have them reviewed by an expert court or a nonexpert court? Would you have them reviewed by men who know much about the law and are especially acquainted with that particular branch of the law, or by a man who knows little or nothing about it to start with?

On the question of uniformity, if the carrier or shipper has the option of bringing his case before one of several district

judges he is apt to select the one whose views or opinions he thinks are more favorable to his contention. Hence it is quite certain that there would be conflicting decisions of the many district courts in the United States until settled by a uniform decision in the Supreme Court. That is not so now, when all the cases are concentrated in one court under uniform decisions, which stand as the law of the land, as a guide to all litigants, unless they are reversed or modified by the Supreme Court.

Mr. GOOD. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Certainly.

Mr. GOOD. Is the gentleman aware of the fact that every case that has been decided by the Interstate Commerce Commission has been appealed to the Supreme Court?

Mr. MICHAEL E. DRISCOLL. No; I am not. The gentleman from Minnesota [Mr. STEVENS] said that only about 13 out of 600—

Mr. STEVENS of Minnesota. I said applications for injunction.

Mr. GOOD. And that all decisions of the Commerce Court have been appealed to the Supreme Court of the United States. Now, why not provide for a simple and speedy remedy by appeal directly to the Supreme Court of the United States?

Mr. MICHAEL E. DRISCOLL. Why does not the Sims bill and this amendment provide that? Instead of that they provide that the cases now before the Commerce Court shall be sent to the district courts throughout the United States for trial, and then they provide procedure for appeal from those courts to the Supreme Court of the United States for review.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. MICHAEL E. DRISCOLL. With pleasure.

Mr. ADAMSON. The gentleman is a distinguished lawyer himself, and justly so, and I ask him if he does not think as a lawyer that the judge of a court of justice ought to be an expert in the law and depend on railroad experts and other experts and witnesses to furnish the facts?

Mr. MICHAEL E. DRISCOLL. Does the gentleman ask that question seriously or as a joke?

Mr. ADAMSON. Seriously.

Mr. MICHAEL E. DRISCOLL. I know the gentleman has quite a sense of humor and sometimes jokes.

Mr. ADAMSON. If the gentleman from New York argues that every judge in a court of law must be an expert in every line of business, I think that would be a joke.

Mr. MICHAEL E. DRISCOLL. I do not claim that every judge can be an expert in every line of business. He must be familiar with the law, and if he is familiar with the kind of business which is involved in the case before him, he can decide it with more wisdom and be apt to get nearer right in his decision than if he does not know anything about it. Just as a lawyer who goes and sees the place where an accident occurs is for that reason better able to try the action successfully. Just as a lawyer who is personally familiar with some special kind of work or some special line of business can try a case which involves that kind of work or that line of business with more ability and more success than one who is not familiar with it and does not know anything about it. He can not be as readily fooled or deceived by witnesses or counsel. He must know the law and apply it to the facts; but he must also decide the facts, and in doing so the more apt he is to arrive at the truth and at the real merits of the case if he is familiar with the kind of work or business out of which the lawsuit arises.

Mr. ADAMSON. Then the gentleman, I suppose, in order to be consistent, would revolutionize the system of jurisprudence, and instead of having courts of law would have a particular or specific court for every line of business?

Mr. MICHAEL E. DRISCOLL. Not by any means. But I say I would rather have a man who is familiar with the line of business involved under all the circumstances to try my case, provided I had a good one and felt that I ought to win on the merits. If I had a bad one and my success depended on my being able to fool the judge by skillful witnesses or adroit or able attorneys, I would prefer to try it before a judge who could be the more easily deceived. A judge can not know too much, not only in the law but of business affairs, when called upon to decide a case involving business questions.

Mr. SIMS. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. SIMS. The gentleman does not contend that the Commerce Court or any other court undertakes to substitute its judgment for that of the Interstate Commerce Commission, does he, on the question of rates?

Mr. MICHAEL E. DRISCOLL. On the law it does.

Mr. SIMS. But the question before the court is, Did the commission act within their authority, and, second, was the rate confiscatory? Is not that true?

Mr. MICHAEL E. DRISCOLL. Those are substantially the rules.

Mr. SIMS. Then, if it requires an expert court in the first instance, why would it not be much more important that we should have a court of last resort of experts?

Mr. MICHAEL E. DRISCOLL. The court of last resort is made up of the ablest lawyers and jurists that can be found in the country, and the more experienced and expert they are the better qualified they are to do their work. For that very reason I insist that Judge Knapp is better qualified to serve as presiding judge of the Commerce Court by reason of his 20 years' service on the Interstate Commerce Commission than if he had had no former experience, except as a general practicing attorney.

He and I were both raised on farms in the west end of Onondaga County. I have known him intimately for many years, and esteem and respect him very highly. All of his general practice was in Syracuse. He was honored many times by his fellow citizens by being elected and appointed to many offices of responsibility and trust, among them corporation counsel of Syracuse, and in all respects was looked upon as one of our foremost citizens. He was also one of the leaders of the great bar of the State of New York when he was appointed associate member of the Interstate Commerce Commission, about 21 years ago. He served on that commission about 20 years, during 13 of which he was chairman. His whole career has been marked by industry, hard work, and thoroughness. In his practice he mastered every proposition of law which came to him as an attorney before he left it, and the same habits of thoroughness and concentration, as well as uniform courtesy, continued during his whole service as Interstate Commerce Commissioner. By reason of his 20 years' service in that body there is no doubt he is better acquainted with interstate-commerce business, the industrial conditions of the country, so far as they pertain to interstate commerce and trade, and the law which applies to that very important and complicated subject, than any other man in the country.

One more word about Judge Knapp, since I have referred to him. I have been in this House for 13 years, and during that time have observed that gentlemen, especially on the other side of the aisle, whose business it was to criticize and find fault, have been exceedingly industrious in reading reports, examining records, and nosing around Washington in order that they might find fault with somebody in official life, from the President down. They have offered many resolutions on a variety of subjects and in criticism of many men in public life, and have attacked every man, especially in a responsible position, against whom they could find a shadow of complaint or any excuse for criticism.

Judge Knapp, as I observed, was chairman of the Interstate Commerce Commission during all that time, discharging the duties of that very arduous and responsible office and deciding cases of unusual interest to shippers and carriers throughout the country, and if any fault were found with him during that period, or if he were open to attack from any quarter, he would not have been spared. Yet from first to last I never heard one of you criticize, or attempt to criticize, him in the slightest degree; nor did any one of you ever offer a resolution to investigate him or the commission, nor did you find one word of fault with the decisions which he rendered or participated in. During those 20 years he was in the spot light, and at the conclusion of his service he stood before the Congress and before the whole country as an able, upright, honest judge and administrator, above reproach and above suspicion. Because of his most excellent record and the valuable service he rendered he was selected by the President as the fittest man in the whole country to serve as presiding judge of the Commerce Court.

We all know that the President was very much interested in the creation, as he is now in the maintenance, of that court; and because he was interested in it and wanted it to render righteous judgments and make a good impression on the country on account of the opposition to it when the law was enacted he picked out the best man he could find, and that man was Judge Knapp.

By your action here to-day you propose to abolish the court which has done good and faithful work and decided all questions which came before it to the best of its judgment; and you further propose, indirectly at least, to censure and humiliate one of the most distinguished, worthy, and honorable jurists in the land. He deserves better treatment at your hands.

Mr. LENROOT. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will.

Mr. LENROOT. The gentleman thinks that judges should be experts. I ask him is it not a fact that the subject of the

interstate-commerce law is and should be railway transportation, and if it is not simpler and freer from difficulty than any other branch of the law to-day?

Mr. MICHAEL E. DRISCOLL. Then why do you gentlemen who want to abolish the Commerce Court provide that the cases now before the court shall be sent back throughout the country to be tried by district judges of district courts? Why not provide that they shall be appealed directly to the Supreme Court? Instead of that you are sending them back to go through the intermediate courts instead of sending them directly to the Supreme Court.

We submit, Mr. Speaker, that it is better for all parties, the carriers, shippers, and citizens generally, to have one court in which all those cases are tried and decided than to have a case tried in Louisiana and decided one way, and a case involving substantially the same questions of law tried and decided in another way in Minnesota, another way yet in California, and still another way in Massachusetts. Thus you would have four different kinds of law on substantially the same proposition, and they would all continue as precedents until reviewed by the Supreme Court and the law pertaining to them finally determined.

What is the point, and about the only one, which the gentleman from Tennessee [Mr. SIMS] makes against the Commerce Court? He says it is an antagonistic court. I do not, on my life, comprehend just what he means by an antagonistic court, or on what facts or information he bases that allegation. In my practice I always understood that a court that decided a case against me was antagonistic to me, and I always understood that I had the inalienable right to go down to the tavern and swear at the judge; and that is what brother SIMS is now doing under rather more dignified circumstances. He is not satisfied with the decision in some particular case which was tried before the Commerce Court, and therefore he says that court is an-

tagonistic. It probably was antagonistic to his view in that particular case, and if it had been decided the other way it would have been antagonistic to the view of the parties interested on the other side. Let him exercise his prerogative and swear at the court until he is black in the face, but let him not undertake to abolish the court because according to his view of the law it is wrong in one, or even in several, cases.

Mr. SIMS. I took the same position that I am now taking when legislation creating the court was pending.

Mr. MICHAEL E. DRISCOLL. Why, of course the court can not decide cases in favor of both sides. When a man goes into a lawsuit he must expect that either he or the other fellow will lose, and he has to take his chances. Every lawyer realizes that. If he does not when he enters the profession, he will learn it very promptly if he gets into litigated cases.

Mr. McGUIRE of Oklahoma. That is half antagonistic.

Mr. MICHAEL E. DRISCOLL. My friend from Oklahoma says it is half antagonistic, and according to my experience every court is half antagonistic.

The records and the facts submitted show that the Commerce Court has upheld the orders of the Interstate Commerce Commission in a larger proportion of cases than it reversed or overruled them. Right here I will submit and have printed as a part of my remarks a list of 62 different cases, which are all that have been passed upon by the Commerce Court. It should be remembered that although it was created by the law of the 18th of June, 1910, it was not organized and ready for business until the 8th of January, 1911, and has been in existence only a little over one year.

The following is a list of cases showing the number, title, date when filed, by whom—carriers, shippers, or Interstate Commerce Commission—time when submitted to the Commerce Court, and, finally, the disposition of each case:

List of cases, the number, title, date and by whom filed, date when submitted to Commerce Court, and final disposition.

Suit No.	Title.	Date filed.	By whom.	Submitted to court.	Disposition.
1	Southern Pacific Co. et al. v. Interstate Commerce Commission.	June 1, 1910, circuit court.	Carriers.	Apr. 11, 1911	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated July 20, 1911.)
2	Atchison, Topeka & Santa Fe Ry. Co. et al. v. Interstate Commerce Commission.	do.	do.	do.	Do.
3	Atlantic Coast Line et al. v. Interstate Commerce Commission.	Mar. 31, 1910, circuit court.	do.	Oct. 4, 1911	Demurrer overruled in part and sustained in part; motion to dismiss denied. (Opinion dated Dec. 5, 1911.)
4	Louisville & Nashville v. Interstate Commerce Commission.	Jan. 26, 1910, circuit court.	do.	Apr. 5, 1911	Order of Interstate Commerce Commission permanently suspended. (Opinion dated Feb. 28, 1912.)
5	James J. Hooker et al. v. Interstate Commerce Commission.	July 14, 1910, circuit court.	Shippers.	May 20, 1911	Petition dismissed with costs. (Opinion dated July 20, 1911.)
6	Eagle White Lead Co. et al. v. Interstate Commerce Commission.	Oct. 24, 1910, circuit court.	do.	do.	Do.
7	Atchison, Topeka & Santa Fe et al. v. Interstate Commerce Commission.	Sept. 7, 1910, circuit court.	Carriers.	Apr. 7, 1911	Order of Interstate Commerce Commission as to rate on lemons permanently suspended without prejudice to a reconsideration by the Interstate Commerce Commission. (Opinion dated Oct. 5, 1911.)
8	Interstate Commerce Commission v. Nashville, Chattanooga & St. Louis.	May 28, 1908, circuit court.	Interstate Commerce Commission.	do.	Dismissed by stipulation.
9	Procter & Gamble Co. v. United States et al.	Feb. 22, 1911, Commerce Court.	Shipper.	May 19, 1911	Dismissed with costs. (Opinion dated July 20, 1911.)
10	Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.	June 15, 1907, circuit court.	Carrier.	do.	Dismissed by stipulation.
11	New York, Ontario & Western Ry. Co. v. Interstate Commerce Commission.	July 25, 1908, circuit court.	do.	do.	Do.
12	Central R. R. Co. of New Jersey v. Interstate Commerce Commission.	July 27, 1908, circuit court.	do.	do.	Do.
13	Delaware, Lackawanna & Western Ry. Co. v. Interstate Commerce Commission.	do.	do.	do.	Do.
14	New York Central & Hudson River R. R. Co. v. Interstate Commerce Commission.	July 21, 1908, circuit court.	do.	do.	Do.
15	United States of America ex rel. v. Union Stockyard & Transit Co. et al.	June 13, 1910, circuit court.	Interstate Commerce Commission.	May 23, 1911	Dismissed as to some; mandatory writ as to others. (Opinion dated Nov. 14, 1911.) Affirmed on rehearing. (Opinion dated Feb. 13, 1912.)
16	Chicago, Milwaukee & St. Paul Ry. Co. v. Interstate Commerce Commission.	Apr. 20, 1909, circuit court.	Carriers.	do.	Dismissed by stipulation.
17	Chicago, Milwaukee & St. Paul v. Interstate Commerce Commission.	Mar. 30, 1909, circuit court.	do.	do.	Do.
18	Russe & Burgess et al. v. Interstate Commerce Commission et al.	Sept. 22, 1909, circuit court.	Shippers.	Oct. 27, 1911	Demurrer overruled (opinion dated Feb. 13, 1912.)
19	J. W. Thompson Lumber Co. et al. v. Interstate Commerce Commission.	do.	do.	do.	Do.
20	Chicago, Rock Island & Pacific v. Interstate Commerce Commission.	Oct. 14, 1909, circuit court.	Carrier.	do.	Continued.
21	Goodrich Transit Co. v. Interstate Commerce Commission.	Dec. 29, 1910, circuit court.	do.	Apr. 19, 1911	Order of Interstate Commerce Commission permanently suspended (opinion dated Oct. 5, 1911.)
22	do.	do.	do.	do.	Do.
23	White Star Line v. United States.	Mar. 6, 1911, Commerce Court.	do.	do.	Do.
24	do.	do.	do.	do.	Do.
25	Omaha & Council Bluffs Street Railway Co. et al. v. Interstate Commerce Commission.	Feb. 7, 1910, circuit court.	do.	May 20, 1911	Petition dismissed (opinion dated Oct. 5, 1911.)
26	United States, ex rel., v. Long Island Railway Co.	Nov. 28, 1896, circuit court.	Interstate Commerce Commission.	do.	Dismissed by stipulation.
27	New York Central & Hudson River Railroad Co. et al. v. Interstate Commerce Commission.	Aug. 22, 1908, circuit court.	Carrier.	do.	Do.

List of cases, the number, title, date and by whom filed, date when submitted to Commerce Court, and final disposition—Continued.

Suit No.	Title.	Date filed.	By whom.	Submitted to court.	Disposition.
28	Delaware, Lackawanna & Western Railroad Co. v. Interstate Commerce Commission.	Aug. 7, 1908, circuit court.	Carrier.		Decree entered setting aside order of Interstate Commerce Commission in accordance with mandate of United States Supreme Court.
29	Pennsylvania Railroad Co. v. Interstate Commerce Commission.	July 25, 1908, circuit court.	do.		Dismissed by stipulation.
30	Lehigh Valley Railroad Co. v. Interstate Commerce Commission.	do.	do.		Do.
31	Pennsylvania Railroad Co. v. Interstate Commerce Commission.	Oct. 4, 1910, circuit court.	do.	Oct. 11, 1911	Demurrer sustained; petition dismissed with costs (opinion dated Dec. 5, 1911).
32	Southern Pacific Co. v. Interstate Commerce Commission.	Nov. 15, 1910, circuit court.	do.		Continued.
33	Southern Pacific Co. et al. v. Interstate Commerce Commission.	Nov. 15, 1910, circuit court.	do.		Continued.
34	Atchison, Topeka & Santa Fe Ry. Co. et al. v. Interstate Commerce Commission.	do.	do.		Do.
35	Denver & Rio Grande R. R. Co. v. Interstate Commerce Commission.	Dec. 24, 1909, circuit court.	do.		Under advisement.
36	Atchison, Topeka & Santa Fe Ry. Co. et al. v. United States.	Mar. 30, 1911, Commerce Court.	do.	Apr. 15, 1911	Temporary injunction denied.
37	Philadelphia & Reading Ry. Co. v. Interstate Commerce Commission.	July 27, 1908, circuit court.	do.		Dismissed by stipulation.
38	Baltimore & Ohio R. R. Co. et al. v. United States.	Apr. 12, 1911, Commerce Court.	Carriers.	May 18, 1911	Order of Interstate Commerce Commission temporarily suspended.
39	Do.	Apr. 27, 1911, Commerce Court.	do.	May 24, 1911	Do.
40	Norfolk & Western Ry. Co. et al. v. United States.	May 1, 1911, Commerce Court.	do.	May 25, 1911	Temporary injunction denied.
41	Atchison, Topeka & Santa Fe v. United States.	May 4, 1911, Commerce Court.	Carrier.	May 26, 1911	Do.
42	Arkansas Fertilizer Co. v. United States.	May 22, 1911, Commerce Court.	Shipper.	Oct. 5, 1911	Petition dismissed with costs. (Opinion dated Dec. 5, 1911.)
43	Boston & Maine R. R. Co. v. Interstate Commerce Commission.	Aug. 14, 1908, circuit court.	Carrier.		Dismissed by stipulation.
44	Southern Ry. Co. et al. v. United States.	Aug. 14, 1911, Commerce Court.	Carriers.	Oct. 5, 1911	Motion to dismiss denied. (Opinion dated Dec. 5, 1911.)
45	New York, New Haven & Hartford R. R. Co. v. Interstate Commerce Commission.	July 27, 1908, circuit court.	Carrier.		Dismissed by stipulation.
46	Nashville Grain Exchange et al. v. United States.	Aug. 24, 1911, Commerce Court.	Shippers.	Oct. 19, 1911	Consolidated with No. 47.
47	Louisville & Nashville R. R. Co. et al. v. United States.	do.	Carriers.	do.	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated Oct. 24, 1911.)
48	Erie R. R. Co. v. Interstate Commerce Commission.	July 28, 1908, circuit court.	Carrier.		Dismissed by stipulation.
49	Lehigh Valley R. R. Co. v. United States.	Sept. 29, 1911, Commerce Court.	do.	Oct. 11, 1911	Temporary injunction denied. (Opinion dated Oct. 12, 1911.)
50	Atchison, Topeka & Santa Fe Ry. Co. et al. v. United States.	Oct. 4, 1911, Commerce Court.	Carriers.	Oct. 25, 1911	Order of Interstate Commerce Commission temporarily suspended. (Opinion dated Nov. 14, 1911.)
51	Union Pacific R. R. Co. et al. v. United States.	do.	do.	do.	Order of Interstate Commerce Commission permanently suspended.
52	D. & R. G. R. R. Co. et al. v. United States.	do.	do.	Oct. 26, 1911	Do.
53	United States ex rel. v. Lehigh Valley R. R. Co.	Oct. 20, 1911, Commerce Court.	Shippers.	Oct. 25, 1911	Temporary injunction denied.
54	Anaconda Copper Mining Co. et al. v. United States.	Oct. 23, 1911, Commerce Court.	do.		Dismissed by stipulation.
55	Crane Iron Works v. United States.	Nov. 11, 1911, Commerce Court.	do.		Not yet argued.
56	Kansas City Southern Ry. Co. v. United States.	Nov. 16, 1911, Commerce Court.	Carrier.		Do.
57	United States ex rel. v. Louisville & Nashville R. R. Co. et al.	Nov. 25, 1911, Commerce Court.	Shippers.	Feb. 16, 1912	Motion to dismiss denied.
58	Florida East Coast Railway Co. v. United States.	Dec. 26, 1911, Commerce Court.	Carrier.	Feb. 10, 1912	Motion to dismiss denied; under advisement on petition for mandamus. Peremptory writ of mandamus granted.
59	Southern Pacific Co. et al. v. United States.	Jan. 16, 1912, Commerce Court.	do.	Feb. 8, 1912	Order of Interstate Commerce Commission temporarily suspended.
60	B. & O. Southwestern Railroad Co. et al. v. United States et al.	Jan. 22, 1912, Commerce Court.	do.	Feb. 10, 1912	Motion to strike out of Interstate Commerce Commission granted.
61	Atchison, Topeka & Santa Fe et al. v. United States.	Feb. 2, 1912, Commerce Court.	do.	Feb. 9, 1912	Order of Interstate Commerce Commission temporarily suspended.
62	O'Gara Coal Co. et al. v. United States et al.	Feb. 24, 1912, Commerce Court.	Shippers.	Feb. 28, 1912	Temporary injunction denied.
					Under advisement.

The friends of the Commerce Court claim that on this record that court merits commendation and approval rather than criticism and abolishment.

The gentleman from Tennessee [Mr. SIMS] suggests that it is becoming biased, and I assume that he means biased against the shippers. Again, may not the gentleman's judgment be a little askew in this matter? He was against the creation of this court and he has been against it ever since. Is it not possible that he is a little biased and prejudiced?

Mr. SIMS. May I state right there that there have been only four cases appealed from the Commerce Court to the Supreme Court that have been determined by the Supreme Court, and every one has been reversed—all four of them.

Mr. MICHAEL E. DRISCOLL. I do not think that is so. However if that statement is correct it means nothing. It does not establish the fact that the court is either biased or antagonistic. An attorney may be beaten four times in succession and then he may win four times in succession before the same court. That does not raise any presumption that the court is biased or partial. Every case must be decided on its merits. I once knew an old county judge of whom it was said that in appeals to him from justices' courts on questions of law he strictly followed the rule of affirming and reversing them in regular order. If he happened to affirm the judgment in the first case, then all the odd numbers down through the calendar were affirmed and all even numbers were reversed. At all events it could not be truthfully said of him that he was biased and that his antagonism was not equally divided.

When the Sims bill for the abolishment of the Commerce Court was under consideration by the Committee on Interstate and Foreign Commerce, Attorney General Wickersham appeared before that committee and made a full and comprehensive state-

ment showing the important work of the court and the real need of its existence and continuance. At the close of his statement Mr. COVINGTON requested him to put in his corrected testimony a statement regarding the cases which the Commerce Court had finally disposed of. The Attorney General promised to do so, and the following is the statement so far as it applies to the charge of bias or antagonism.

SUMMARY OF GENERAL CONCLUSIONS BASED UPON THE DATA SUBMITTED.

1. The Commerce Court has upheld the commission in a larger proportion of cases than either the circuit or Supreme Court.
2. Under the old plan the circuit court was reversed by the Supreme Court in 7 out of 11 cases arising since the Hepburn Act.
3. The Commerce Court has not granted temporary injunctions with any more freedom than the circuit court did.
4. The 17 temporary injunctions which were granted were none of them in cases where the question was a question of fact.
5. The new plan has been very much more expeditious than the old plan.

Comparative statement, circuit court, Commerce Court, and Supreme Court.

[This statement includes all suits instituted since the Hepburn Act of 1906.]

	Circuit court.	Commerce Court.	Supreme Court.
Total number cases (as per attached memoranda)...	48	163	11
Number cases withdrawn.....	131	19	
Number cases finally decided by the court.....	17	11	11
Commission reversed.....	9½	4½	5
Commission upheld.....	7½	6½	6
Temporary injunctions granted.....	11	7	
Temporary injunctions denied.....	12	7	

* Includes the cases transferred from circuit court to Commerce Court.

The following shows the proportion of instances in which the Interstate Commerce Commission was finally reversed or upheld by the circuit court, the Commerce Court, and the Supreme Court:

	Circuit court.		Commerce Court.		Supreme Court.	
	Number of cases.	Per cent.	Number of cases.	Per cent.	Number of cases.	Per cent.
Commission reversed.....	9½	56	4½	41	5	45
Commission upheld.....	7½	44	6½	59	6	55

In some quarters it seems to be believed that the Commerce Court possesses or exercises jurisdiction not previously belonging to the Federal courts, but there is not the slightest foundation for such a belief. It is beyond dispute that the Commerce Court has exerted no authority whatever which the circuit courts did not freely assume and exert before the Commerce Court was created.

Nor has its creation operated to invite suits of this character or increase their number. I feel justified in saying that no suit has been brought in the Commerce Court which would not have been brought in the circuit courts under the former law, and the circuit courts would have had precisely the same power that the Commerce Court possesses. Of course what decisions would have been rendered by the various circuit courts in cases heard by the Commerce Court is only a matter of conjecture. The record of results seems to indicate that the Commerce Court has more generally sustained the commission than did the circuit courts, although it is obvious that there is no reliable basis of comparison. The charge or suggestion that the Commerce Court has assumed to review questions of disputed fact and so attempted to make itself a sort of superior commission is entirely unfounded. I believe that a thorough investigation will establish the fact that it decided no case except upon questions of law which were clearly involved. The general question in every case, broadly speaking, is the power of the commission to make the order sought to be set aside. That is the law as settled by the Supreme Court and as the Commerce Court has frequently declared. Indeed, the constant effort of the Commerce Court is to apply to the cases before it the principles which have been announced by the Supreme Court, and it is believed that the two courts are completely in accord in their general views upon the fundamental questions litigated. This will be determined when the Supreme Court decides some of the cases which have been recently argued and submitted.

Those who criticize the Commerce Court have not read its decisions and know little or nothing about the questions involved. The experience of its first year demonstrates to the informed and candid mind that the court has amply justified its creation. The cases within its present jurisdiction are cases of national import, of great importance to the public, and ought to be decided by judges of experience who have acquired special familiarity with litigation of this kind. So far as I have heard on this floor no charge of extravagance has been made against this court. The court and chambers are appropriately but not extravagantly furnished. Not much more than half the appropriation for that purpose was used, and the balance covered back into the Treasury. Only four statutory salaries, amounting in all to \$12,000, will be saved by the abolishment of the court. The members of the court will continue as circuit judges even if you succeed in putting the court out of existence; and they will have to be provided with chambers, clerks, supplies, and traveling expenses, which will amount to about the same as required by them at the present time. On all the facts and on the substantial merits there is no good reason why the court should not be permitted to continue.

The gentleman from Tennessee [Mr. SIMS] in his opening remarks suggested that since there is much political agitation relative to the recall of judges and judicial decisions, he hoped no prejudice or feeling of that character would influence the judgment of any Member in the consideration of this question. I earnestly join in that wish and hope, and yet I fear I will be disappointed. The extraordinary way in which this piece of legislation is brought before the House leads me to suspect that the gentlemen back of it are not disposed to be fair. Why should it be tacked on to a large appropriation bill if you are not afraid to consider it and let it take its chances in the regular and orderly way? You made it a part of this bill in order to force its enactment into law or cut off the supplies necessary for the maintenance of the Government. Does not this method of legislation indicate clearly your bias and prejudice and determined antagonism toward this court which you propose to strike down? Are you big enough and broad enough and mag-

nanimous enough to divest yourselves of that prejudice and bias and all influence of political agitation and political agitators and decide this important question fairly and dispassionately on its merits? The vote will determine whether you measure up to that standard. [Applause.]

Mr. SIMS. Mr. Chairman, I ask how much time has been used?

The CHAIRMAN. Eighteen minutes.

Mr. SIMS. I mean by the gentleman from Minnesota [Mr. STEVENS], all told.

The CHAIRMAN. Forty-one minutes.

Mr. SIMS. Then he has 19 minutes remaining. I yield 10 minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I had not intended to appear in this debate, but in default of the appearance of other gentlemen who were billed for discourses I propose to stand by my friend Judge SIMS, who reported this bill. I had occasion two years ago for three months to study this proposition pretty thoroughly. I then opposed the creation of this court on a great many grounds. I want to say that I have seen no subsequent reason manifested by the organization and conduct of the Commerce Court to withdraw any objection that I have ever made to it or abandon the ground of opposition on which I opposed it through those three months. I think we could have easily defeated the creation of the court then if it had not been for unpaired absentees opposed to the court.

The House then really was opposed to the court and is now. Twice we had a tie vote on it with a number of gentlemen absent unpaired whom I knew to be against the court. I still believe the House is against the court. I believe the country is against the court and that it ought to be abolished. The court is an anomaly, it is an incongruity. A court of commerce in name is an insult to the profession of law and a travesty on our judicial system. Law and courts of law are the only universal solvent of human wrongs and injuries and human differences in this and every other civilized country, the mainstay of civilization. Distinguished gentlemen who talk about it being necessary to have expert courts have wandered far afield from the doctrine of the old masters, the doctrine of law—human law supposed to be modeled after the doctrine of the divine law. A judge ought to be expert in the law. If he is learned otherwise, it will do no harm, but he is not required to be expert in all other lines of business, not in all details, not an expert in all the particular scientific or technical facts that may be used in all lines of business. And I am sorry to say, Mr. Chairman, that when people get to talking about the necessity for expert boards and expert courts and get to talking about commerce or finance they innocently—inadvertently, no doubt—fall into the error, unconsciously, I believe, or at least act on the suggestion—

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield to a question?

Mr. ADAMSON. If you will let me finish the sentence. I do not like to break a beautiful sentence like that right in the middle. I might spoil it or I might break the other half.

Growing into an assumption that in order to be expert on commerce matters he must be trained as a corporation lawyer; that in order to be expert in financial matters he must be trained as a banker; that all the true expertness relates, and only can relate, to the people who have been trained on one side of a question, and they do not have to be dishonest in heart and intent to be prejudiced in favor of privilege and special interest. Not at all. The most honest man may be the most prejudiced man who, by his training and environment, has gotten his mind warped, just as my brother DRISCOLL may take a twig and tie it down at the top by a piece of twine, holding it there until when it matured it would be a bent tree, and yet the tree would be innocent though crooked.

Mr. MICHAEL E. DRISCOLL. Suppose the gentleman, who has practiced alone the lines from the justice court up, had a case for a plaintiff against a defendant for trespass by reason of the defendant's breachy cattle breaking into his client's land and destroying the crops or injuring them, would he not rather have a judge who had been raised on a farm as a boy and knew something about cattle and something about line fences, than to have a judge that was never out of the city in his life? That is, if he had a good case. If he had a poor one he would not want such a judge.

Mr. ADAMSON. That is easy. I would like to have a judge who is learned in the law, and if I did not have sense enough to know what the facts were, I would like to have a lawyer who had sense enough to get up the witnesses and find out what they knew, adduce the facts to the court and jury, and present to the judge the law bearing on those questions. That is the way to practice law. These automatic, machine-made, politi-

cally created and manufactured, artificial, anomalous, incongruous, outlandish courts do not suit my idea of dispensing human justice.

I believe in the practice of law in order to secure justice. I believe a client has a right to select his lawyer and bring his case and prosecute it to the highest court or defend it to the highest court according to the judgment of his own lawyer and not that of a Federal official placed in charge of all that litigation, with power and authority and disposition, I am sorry to say, to turn down the wishes of the client and the views of his lawyers, and tell the appellate court that the lawyer's judgment is wrong and the action of the lower tribunal erroneous and allow it to be set aside, with the party's lawyer insisting that the judgment ought to be sustained. That is the situation with this court. I do not criticize the particular opinions of the court—that is, I do not base my opposition on them. A good judge may render a very bad decision; a mean judge may render a good decision. I object to the existence of the court itself. It was unnecessary; it was an injury to all litigants interested in interstate-commerce law. It was intended to prevent the Interstate Commerce Commission from regulating carriers and is serving that purpose most signally. It was an accommodation to the corporations in order to enable them to concentrate their attention at one place, reduce the number and cost of their lawyers, cheapen their expenses, and lessen their trouble by letting one or two lawyers attend to all the business, just like trying to pour the Atlantic Ocean through one little funnel, which would be congested and clogged. It would not work. I prefer to allow people to have justice at home in their own communities, in the vicinage where the trouble arises. And if, as my friend from Minnesota [Mr. STEVENS] says, it would be possible to take them thousands of miles from home before the district judges, let us amend that. Let us fix it so a man can law at home and obtain justice.

I hope this court will be abolished. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia [Mr. ADAMSON] has expired.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Chairman, I am opposed to the continuance of the Commerce Court and in favor of retaining section 10 in the pending bill. In the first place, we have drifted too far away from the constitutional landmarks in the creation of special courts in this country. The best jurisprudence of America and the greatest legal history in the country were created at a time when the strong legal characters were judges, who had to have a legal learning and general knowledge broad enough to determine rightly all the varied questions which came before the courts. The era of specialists in the law is being pushed to such an extreme that the judgments obtained from special courts are often warped rather than well rounded. The special interests which have caused the establishment of the special courts are too often the beneficiaries of the judgments. We created a few years ago a Court of Customs Appeals. There has been recently an agitation for a court of patent appeals; and if we push the idea to its conclusion we will soon have no general jurisdiction left for our Federal district courts.

The great argument advanced on the floor of this House in 1910 for the creation of the Commerce Court was that it would facilitate the disposition of the cases in which orders of the Interstate Commerce Commission affecting railroad freight rates are appealed from, and would be in the interest of the shippers of the United States. Now, the passage of the interstate-commerce law and its various amendments has always been supposed to have been primarily for the benefit of the shippers of America and in order to curb the aggression of the railroads in the matter of excessive rates, and yet the result of the creation of the Commerce Court is that the shippers have not been the beneficiaries, but that the railroads have. Every court must be judged, without criticizing the personnel of the court, by the character of its decisions in the interest of justice to the litigants appearing before it. The net result of one year and a half of existence of the Commerce Court is that three-fourths of the decisions of the Interstate Commerce Commission in favor of the shippers and against the railroads have been overruled by the Commerce Court, while up to that time a considerable majority of such orders of the Interstate Commerce Commission which were appealed from were sustained by the courts to which they were carried, including the Supreme Court of the United States.

The Interstate Commerce Commission has never been unjust to the railroads of America, and when the interstate-commerce act of 1910 was passed it was seriously urged that the final decision of rate cases would be facilitated and shippers would

have speedier determination of their rights by the creation of the Commerce Court. The railroads were not considered, for they are well able to take care of themselves.

In point of fact there has been some little expedition of business by the creation of the court, but not much. Having regard for the mental bias which judges must have who believe they have been selected as a curb on the Interstate Commerce Commission, it can not be said that any benefit has come to the people of the United States from the existence of the court. Upon the whole, and with cost of the court's maintenance from \$75,000 to \$100,000 a year, what reason is there for not abolishing it? The district courts of the United States have in the past exercised the jurisdiction of the Commerce Court, with at least equal benefit to shippers, and the pending section of this bill simply proposes to restore that jurisdiction to those courts. In this connection it is significant that no shippers in the United States, so far as I have heard, are objecting to letting the Commerce Court pass into a mere memory.

I am frank to state that one of the reasons why the Commerce Court has entirely failed of its purpose has been a fundamental misconception of the rights of the United States in suits between the shippers and the railroads as defined in the act creating the court. The Attorney General, when this matter was thoroughly inquired into by the Committee on Interstate and Foreign Commerce, urged that it is proper to consider the right of the Government and the right of the railroads as coextensive rights, while the right of the particular shipper who is the litigant in any case is subordinate. Prior to the act of 1910 the United States was not a party to suits affecting orders relating to rates issued by the Interstate Commerce Commission. It was a straight contest between carrier and shipper. The act of 1910 proposed that all proceedings with respect to orders of the commission should be brought against the United States, or by the United States if seeking to enforce them, and that the United States should be represented by the Department of Justice precisely as in any other proceeding for or against the United States. The shippers have, of course, the right to intervene, but where they are not the real litigants they are at a decided disadvantage.

The shippers of the country are therefore absolutely left in a position to-day where they must submit to appeals from orders in their favor made by the Interstate Commerce Commission, have those appeals heard in a special court which must necessarily regard itself as a check upon the commission in the interest of the carriers, and if in any given appeal the Department of Justice believes that the railroad company's contention is the correct one the shipper is practically remediless, and the Attorney General or his assistant in charge of the case acting for the Department of Justice can in reality confess judgment for the railroad company and have reversed the order of the commission favoring the shipper. That sort of a situation has been an inseparable incident of the creation of the Commerce Court, and as to the proposed abolition of this court by the section now under discussion I want to say frankly to gentlemen on the other side that I hope it is merely the entering wedge and that we may go further and restore the law to what it was prior to 1910, where in all these questions of railroad rates affecting the right of the public to be protected from exorbitant charges by mail carriers, the people shall stand in the courts of the United States on an absolute equality with the railroads.

So, Mr. Chairman, the Commerce Court, having signally failed of its proper purpose, having produced absolutely no benefit to the shippers of the United States beyond that formerly enjoyed through the regular courts, and costing the Government, as it does, a large sum of money, I say we should have the courage to abolish it and return to the full-rounded and time-honored courts contemplated by the Constitution. [Applause.]

Mr. STEVENS of Minnesota. Does the gentleman propose to use it all in one speech?

Mr. SIMS. Not all. I wish the gentleman would use some of his time now.

Mr. STEVENS of Minnesota. Mr. Chairman, I dislike to address myself a second time to this committee, and I would not if my colleagues desired to say anything upon this important measure. However, I shall take only seven minutes of the time, and will ask that the Chair inform me at the end of that time.

First, there ought not to be a misapprehension such as seems to exist as to reason for the existence of this court, and as to the reason why the shippers are in apparent subordination to the authority of the Department of Justice, because the reasons for the two are almost identical. As I stated in my remarks before, the enforcement and the administration of the interstate-commerce law is a matter of great public importance,

affecting the public interests of large numbers of people and large sections of the country, of many shippers; involving millions of dollars and the welfare of communities, and it is of the utmost importance to the public that the administration of the law upon such important questions be made speedy, be made uniform, and that the interests of the public be protected.

Now, the difficulty with my good friend from Maryland [Mr. COVINGTON] was that he addressed himself to a matter that is not before this committee at all. It is contained in the bill which was reported by the Committee on Interstate Commerce and is now on the calendar of the House, but his remarks did not pertain to anything on which this committee will vote to-day. The Interstate Commerce Commission was created to enforce the interstate-commerce law. The great railroad systems of the United States, since the enactment of the Hepburn bill, have established legal bureaus for the study and protection of their rights under the interstate-commerce law. Nearly all the railroads have such a bureau, and they have engaged the best legal talent in the country to do the work for them.

Mr. COVINGTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Maryland?

Mr. STEVENS of Minnesota. Yes.

Mr. COVINGTON. When the Attorney General of the United States was before the Committee on Interstate and Foreign Commerce, as indicating whether or not the shippers of America have been benefited by the creation of the Commerce Court, did he not testify and submit a statement which showed that the result of the creation of that court had been vastly to increase the number of overruled decisions of the Interstate Commerce Commission, when the orders had been in favor of the shipper, and vastly to decrease the instances where the shippers had in that court obtained affirmation of the decree made in their favor by the commission itself?

Mr. STEVENS of Minnesota. Mr. Chairman, just the contrary. On page 24 of the report of the Interstate Commerce Committee on the Sims bill, there is submitted a statement from the record of the court and from the Department of Justice stating the record of the court, showing that there had been more orders of the commission sustained, a larger percentage sustained, by the Commerce Court than by either the circuit court or by the Supreme Court, and also that there had been a larger proportion of the orders of the commission overruled by the old circuit courts than by the Commerce Court, and a larger proportion overruled by the Supreme Court than by the Commerce Court. Those are the records that were sent to the committee by the courts and Department of Justice and are a part of the records and files of this House.

Mr. COVINGTON. But did not that include the orders on which the Interstate Commerce Commission had ruled against the shippers and in favor of the railroads?

Mr. STEVENS of Minnesota. It so happens, Mr. Chairman, that in some of those cases the railroads are nominal parties, and the gentleman no doubt has in mind those cases where the railroads are nominal parties. For example, one of the orders contained a decision as to grain rates between Nashville and Atlanta. Now, nominally the railroads were one of the parties litigant, but actually the railroads did not care about the final result of the case. It was a contest between two important commercial centers. Now, if the commission and the court decided in favor of the railroad, which was a nominal party, the gentleman could and doubtless would contend that on that account the commission and the court would decide in favor of the railroad, and that is the basis of his argument.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kentucky?

Mr. STEVENS of Minnesota. Certainly.

Mr. SHERLEY. Have there been more appeals from the orders of the commission since the creation of the Commerce Court than there were prior to that time?

Mr. STEVENS of Minnesota. I think possibly a few, but not many more. The last docket I have here, the April docket, has 64 cases. That embraces 31 cases that were transferred. I think there is not very much difference; not a great difference.

Mr. SHERLEY. There is another question that I want to ask. The gentleman indicated that he did not think the argument of the gentleman from Maryland [Mr. COVINGTON] was applicable at this time to the matters that we are to vote on. I may have misunderstood the application of that remark. As I understood the gentleman from Maryland, one of his chief objections was the power that was given to the Attorney General in the creation of the Commerce Court to have control over the litigation in that court rather than the Interstate Commerce Commission and the individual shippers. Now, why

is not that question involved when we are here voting as to whether we will continue this court or not?

Mr. STEVENS of Minnesota. Because, Mr. Chairman, under the act creating the Commerce Court, which is now in existence and which will not be disturbed by this section 10 from the gentleman's committee, the Department of Justice has control of litigation concerning the review of orders of the commission in the Supreme Court and in all courts; and if section 10 of this appropriation bill be passed in its present form the Department of Justice will continue to have control of the interstate-commerce litigation in the district courts and in the Supreme Court of the United States. This provision, as it stands, would not change the jurisdiction and authority of the Department of Justice at all. That is my contention, and that is why there is no change in that respect and why the remarks of the gentleman from Maryland do not affect the proposition upon which we vote. The Department of Justice would conduct litigation in the Supreme Court of the United States just the same after this bill passed, and it would conduct the litigation in the district courts just the same as it now conducts and has charge of the litigation in the Commerce Court.

Mr. SHERLEY. Do I understand that the abolition of the Commerce Court would not give to the shipper or the Interstate Commerce Commission any more initiative as to the suits brought in the district courts than they now have, as to suits brought in the Commerce Court?

Mr. STEVENS of Minnesota. As I read section 10 of this legislative appropriation bill, I do not think it changes at all the powers or the authority of the Department of Justice with reference to interstate-commerce litigation. It only changes the court machinery for review, and does not at all affect the powers or authority of the executive officials who are to have charge of the cases before and in the machinery so changed.

Mr. COVINGTON. Will the gentleman permit me for one moment?

Mr. STEVENS of Minnesota. Yes.

Mr. COVINGTON. The gentleman of course recognizes that there is now upon the calendar of the House of Representatives, reported from the Committee on Interstate and Foreign Commerce, a bill which, if the Commerce Court is abolished, may be more easily passed, and which will very seriously affect the conduct of the Department of Justice in cases appealed from the Interstate Commerce Commission, and will very materially benefit the shipper, does he not?

Mr. STEVENS of Minnesota. Mr. Chairman, that is an entirely different proposition from the one which we are called upon to vote upon to-day, and when the time comes we will address ourselves to that proposition.

Mr. COVINGTON. Regarding the attitude of the Commerce Court toward the Interstate Commerce Commission, will the gentleman permit me to read from the report of the Interstate Commerce Commission?

Mr. STEVENS of Minnesota. I think the gentleman ought not to take my time for that.

Mr. COVINGTON. Only one paragraph.

Mr. STEVENS of Minnesota. Very well, then. I hope the gentleman will not trespass.

Mr. COVINGTON. I will not. On page 60 of the report of the Interstate Commerce Commission I find this language:

In but three cases of any consequence where the commission and the shippers have been opposed by the railroads have the orders of the commission been sustained, even temporarily, by the refusal to grant a temporary restraining order.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, as to that I cite the gentleman to the report of the Interstate Commerce Commission for the previous year, which I read to this committee before he came into the Chamber, in which the same Interstate Commerce Commission one year before criticized the circuit courts for not giving competent attention to the orders of the commission and to the litigation from the commission, stating that the commission expected there would be relief from such absurd consequences by the establishment of the Commerce Court. And that is what I desire to call to the attention of this committee. It is one of the unfortunate things in connection with this whole subject. There is apparent friction, unfortunately, between the two tribunals, but that ought not to influence our action to-day in considering whether or not such a forum ought to be continued for the prosecution of this important public business. In 1910 the Commission demanded that there should be a Commerce Court, and stated it was necessary to properly protect its work in the enforcement of the law. In 1911 they criticized the action of the court, in that they were unfairly enforcing the law. Of course, I think the difficulty is largely personal and transient, and will in due time pass away if we can only give it a chance, and then the real merits of this tribunal can be appreciated. The matter for

us to consider to-day in voting is whether or not, from a broad public standpoint, there is need for a tribunal like the Commerce Court, having that kind of jurisdiction, to consider the broad public questions involved in litigation concerning interstate commerce. That is the question for us to decide in voting to-day.

Mr. SHERLEY. I want to ask the gentleman whether he approves of that provision in the law creating the Commerce Court which gives to the Attorney General his present power over litigation.

Mr. STEVENS of Minnesota. That question is not involved here, but—

Mr. SHERLEY. I think it is very much involved here. That is the reason why I should like the gentleman's opinion about it.

Mr. STEVENS of Minnesota. There is this to say about it: The interstate-commerce law affects large bodies of people. If the shipper is allowed to decide for himself his policy of conducting the litigation, he may sacrifice in the conduct of his particular matter the interests of large sections of the country a thousand times more important than his own. Since this is a matter of large public interest and importance, Congress deemed that it was a wise thing to give the public interests a right to be heard and a right to be protected in such litigation.

Mr. SHERLEY. But if the gentleman—

Mr. STEVENS of Minnesota. Just a moment, and I will try to answer the question. For that reason the Department of Justice was given authority to take part in the litigation concerning the public interest and to represent the broad public interest apart from the individual case of one man who might be willing to sacrifice the public to help himself, just the same as the Department of Justice is given authority in all other matters involving the larger public interests. It is to protect the public interest and to see that the shipper does not sacrifice it, and that the proper construction and policy is adopted for the benefit of all of the people, that the Attorney General is given the right to participate in the litigation. It seemed to be better to trust a public official of high station and experience to care for the public interest and welfare than to take any chances as to how litigation might result when tried as the litigants might desire for their own personal benefit.

Mr. SHERLEY. Is there not a distinction between the right to participate for the purpose of protecting the public interest as such and the right to dominate and to prevent the private litigant from continuing the conduct of a controversy if he happens to have an opinion different from that of the Attorney General?

Mr. STEVENS of Minnesota. There is always this to say: The Attorney General of the United States represents the people of the United States.

Mr. SHERLEY. He may or he may not.

Mr. STEVENS of Minnesota. This is my time and it is very limited, and I desire to yield to the gentleman from New York. The Attorney General under his oath is obliged to protect the general interests of the public and of the United States. That is what he is there for, and I assume he does his duty in enforcing this law and all the other laws of the United States, and that he will protect the interests of the shipper the same as he would protect the interests of all the other shippers; but the interests of all the other shippers ought also to be protected, and it is not just to the public to allow one shipper to subvert the interests of the general public in order to protect himself.

Gentlemen have urged that the passage of this provision will expedite causes under the expedition act. In the report of the minority there are given seven different classes of statutes also providing for the expedition of different kinds of public litigation. The antitrust act, the Elkins rebate act, the navigation laws, contempt before referees in bankruptcy, interlocutory injunctions, suspending State statutes, and so forth. I will insert the extract from the report.

BY STATUTORY REQUIREMENT.

The antitrust act. (32 Stat. L., 823.)
The Elkins Act. (32 Stat. L., 849.)
The navigation laws. (R. S., sec. 4300; 30 Stat. L., 1153; 31 Stat. L., 682; 25 Stat. L., 151; 25 Stat. L., 210; 27 Stat. L., 431; 28 Stat. L., 361.)
Contempts before referees in bankruptcy. (30 Stat. L., 556.)
Habeas corpus. (R. S., secs. 751 to 766, inclusive.)
Interference with submarine cables. (25 Stat. L., 42.)
Interlocutory injunction suspending State statutes (three judges to be called together at once, Judicial Code, sec. 266).

UNDER PRACTICE OR COURT RULES.

Criminal cases.
Ordinary interlocutory injunctions.
Cases arising for a second trial.
Cases brought by receivers.
Cases brought by the United States.
Jury cases (generally given precedence over equity cases).

You will note that there are seven acts of Congress all providing for expediting the various cases under each one of these

respective acts. The litigation concerning interstate commerce is no more important under the law as it stands, or will stand if this bill passes, than any other class of cases, and the result would be that there would be no expedition at all and litigation would be delayed, public interests would suffer, the litigants would suffer, and the shippers would suffer as before. And in addition to that, if the cases be tried in courts already congested with private business, that will also suffer and in some cases amount to a denial of justice.

Mr. NYE. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will yield to my colleague.

Mr. NYE. I want to know if the committee has any information from the shippers throughout the country as to their sentiment on this subject, as to whether they want the Commerce Court continued.

Mr. STEVENS of Minnesota. There has no sentiment of that kind been received by the committee. I will insert, Mr. Chairman, in the RECORD as a part of my remarks an extract from the Washington Post from a large shipper in the Southwest urging the retention of this court, and other matters affecting the position of shippers to the Commerce Court. The Commerce Court has been criticized for apparently attempting to review the facts contained in the decisions of the commission. That is unfair criticism, whether made here or elsewhere. The court has only performed its function of reviewing questions of law alone. There are cases where the question is of mixed law and fact, and, of course, equally subject to review. If this court be abolished, the district courts will have exactly the same power as now does the Commerce Court and as before did the circuit courts. To show this power, I will insert here a citation from one of the latest cases of the Supreme Court, setting forth and defining the power of the courts to review the orders of the Interstate Commerce Commission. This should set at rest the criticism that the courts have usurped the powers of the commission, as has been so erroneously stated here.

In the case of *Interstate Commerce Commission v. Union Pacific Railroad Co.* (32 Sup. Ct. Rep. No. 6, p. 110) Mr. Justice Lamar stated:

The appeals raise the single question as to whether, in making the 45-cent rate, the commission acted within or beyond its power. As the statute makes its finding *prima facie* correct (C. H. & D. Ry. Co. v. Interstate Commerce Commission, 206 U. S., 154; L. Ed., 1000; 27 Sup. Ct. Rep., 648), it will be more convenient to consider the case from the standpoint of the carriers, who first insist that the order was void because made without evidence or finding that the 50-cent rate was unreasonable.

There has been no attempt to make an exhaustive statement of the principle involved, but in cases thus far decided it has been settled that the orders of the commission are final unless (1) beyond the power which it could constitutionally exercise; or (2) beyond its statutory power; or (3) based upon a mistake of law. But questions of fact may be involved in the determination of questions of law, so that an order, regular on its face, may be set aside if it appears that (4) the rate is so low as to be confiscatory and in violation of the constitutional prohibition against taking property without due process of the law; or (5) if the commission acted so arbitrarily and unjustly as to fix rates contrary to evidence, or without evidence to support it; or (6) if the authority therein involved has been exercised in such an unreasonable manner as to cause it to be within the elementary rule that the substance and not the shadow determines the validity of the exercise of the power. (Cases cited.)

In determining the mixed questions of law and fact, the court confines itself to the ultimate question as to whether the commission acted within its power. It will not consider the expediency or wisdom of the order, or whether, on like testimony, it would have made a similar ruling. "The findings of the commission are made by law *prima facie* true, and this court has ascribed to them the strength due to the judgments of a tribunal appointed by law and informed by experience." (I. C. R. Co. v. Interstate Commerce Commission, 206 U. S., 441; 51 L. Ed., 1128; 27 Sup. Ct. Rep., 700.) Its conclusion, of course, is subject to review, but when supported by evidence is accepted as final; not that its decision, involving as it does so many and such vast public interests, can be supported by a mere scintilla of proof, but the courts will not examine the facts further than to determine whether there was substantial evidence to sustain the order.

Mr. SIMS. Mr. Chairman, I will yield to the gentleman from Indiana [Mr. CULLOP] five minutes.

Mr. CULLOP. Mr. Chairman, at the time of the passage of the act instituting the Commerce Court I was opposed to the measure then, and stated my objections to it. I am now in favor of the provision in this bill repealing or, in other words, suspending the court from existence. It means its abolishment, and very properly so.

The truth is that it was enacted and its purpose was to assist the Interstate Commerce Commission. It has been, since it was instituted, practically an instrument to nullify the orders and decisions of the Interstate Commerce Commission. This seems to have been its particular functions, very much to the injury of the country.

I want to call the attention of the committee to what is said in the report of the commission on that subject. Referring to pages 59 and 60 of the report I find this statement:

That out of 27 cases passed upon by the Commerce Court preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and of these only 3 are of any magnitude.

This is a revelation, doubtless, to those who favored its organization, but the statement is true.

Now, one of the objections to this court is that it is acting in a *nisi prius* capacity; it is performing the functions for which the Interstate Commerce Commission was constituted to perform. In other words, that after the Interstate Commerce Commission has found the facts in a case and reported them, when application is made to the Commerce Court for an injunction or a review of the case it has again investigated the facts and not passed upon the facts as found and reported by the Interstate Commerce Commission. What it ought to do, if it was attempting to assist the people, if it was undertaking to relieve the people from the exactions of the railroad companies, the court should take the findings of fact made by the Interstate Commerce Commission as final, as any other appellate court is required to do, and render its decision upon those facts. Any other method produces necessarily conflict between these two bodies which results in confusion. But instead of that, after the Interstate Commerce Commission has taken the evidence and has made a finding upon the evidence taken and reported the facts upon which its findings are made it has only served notice under the operation of the Commerce Court for the other side to go out into the broad domain of the country and hunt up new facts in order to nullify the order of the Interstate Commerce Commission.

It simply gives it the power, serves notice, to appear before the Interstate Commerce Commission and find out the case that the Government relies upon, then go to this other court and then undertake to find the evidence to meet the case. This practice merits condemnation. It has overruled time and again the Interstate Commerce Commission, and the Supreme Court has overruled it in such cases.

Now, can any man give a reason why the circuit courts as now constituted can not perform the work of the Commerce Court? It is said that this is for the relief of the shippers. Upon the contrary, so long as it has existed it has been a machine to prevent the relief to the shippers. And it has been so administered since it was first instituted. Its work has delayed rather than accelerated the relief of the people from the greed of the great transportation companies.

Of course, we are not very much surprised at that, but the very objections that some gentlemen have made to the abolition of this court, in my mind, constitute the best reason that could be given for its abolition. Instead of having two courts—the Interstate Commerce Commission and the Supreme Court of the United States—we have three courts now by which parties can delay the proceedings, and the party who has the advantage can have, as the matter now stands, much longer time to employ his advantage and exploit the people. In my judgment, it should be abolished, and by doing so the best interests of the public will be served. [Applause.]

Mr. SIMS. I yield two minutes to the gentleman from Iowa [Mr. Good].

Mr. GOOD. Mr. Chairman, I was opposed to the creation of a Commerce Court, and since it has been created I have seen nothing in that court that would warrant Congress continuing it. Three reasons are advanced to-day for the creation and continuance of that court. First, it is said that the Commerce Court provides an expert court that will decide questions of commerce; second, that the questions coming before that court are such as require experts to rightly decide them, and will provide for uniformity in decisions; and, third, that it will expedite legislation.

Since the creation of the Commerce Court 66 cases have been docketed in it; in 30 cases injunctions have been asked by railroad companies, and in 22 cases injunctions have been granted, and in only 9 cases have injunctions been refused. Orders of dismissals have been entered in 20 cases.

The principal argument is that we should have a court of experts, a court of men trained in railroad law to pass upon questions decided by the Interstate Commerce Commission. Where does a lawyer become versed in railroad law? Where does he become an expert in this class of legislation? He becomes versed in railroad law and in those principles of law relating to commerce by employment as an attorney for a railroad. I know of no other way by which a lawyer, as a general rule, can become such an expert as is contemplated by those who favor the retention of this court. But is it possible that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] or any other gentleman would argue that we should pack this court by selecting only those judges from the Federal courts who have had years of training with and employment by railroad corporations? But why stop here? Why appoint only judges to this court who in practice had been employed by railroad corporations? Why not provide for the appointment of real experts? Presidents of railroad corporations obviously have a

more technical knowledge of this subject than their attorneys. If this court is to be what its defenders argue for, a real expert court, then why not have it presided over by real experts or railroad presidents? How the shippers of the country would welcome such a court! It certainly must occur to the defenders of this court that they must find some more substantial reason than this for the continuance of this court. A court so constituted might be satisfactory to those who urged the creation of this court and who now demand that it be retained, but it will not be satisfactory to the shippers and to the consumers of the country.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. GOOD. I have only two minutes.

Mr. MICHAEL E. DRISCOLL. Did not Judge Knapp get acquainted with railroad law as a member of the Interstate Commerce Commission, and was not that a good education?

Mr. GOOD. Yes; but the gentleman knows that the judges of the Commerce Court in the future can not be appointed from the Interstate Commerce Commission. They must be appointed from the Federal courts.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMS. I yield the gentleman three minutes more.

Mr. GOOD. Now, Mr. Chairman, as to the question of the uniformity of decisions. Every single decision that has been rendered by the Commerce Court has been appealed from to the Supreme Court of the United States. Neither the railroad company nor the shipper seems to have taken the decisions of the court as final. There is absolutely nothing to this question of uniformity of decisions, if all of the decisions of that court are to be reviewed by the Supreme Court of the United States. It matters little, therefore, whether this court is a court of experts or how it is constituted or conducted, if every decision it renders is to be reviewed by a higher court. The uniformity of decisions amounts to nothing under such circumstances.

The same argument applies with equal force to the other reason given for the continuation of this court, namely, that it will expedite business. Again, if all the decisions of the Commerce Court are to be reviewed by the Supreme Court of the United States, instead of expediting business that court, as now constituted, delays business. The final decision of every decision coming before this court is simply delayed during the time that it takes to carry the case through the Commerce Court.

I realize that the Interstate Commerce Commission is primarily a legislative body, but in actual practice its functions are judicial. It not only prescribes rates, but it passes upon the reasonableness of rates. Its judicial functions can be given, and in my opinion ought to be given, all the power and standing of a court, so that appeals could be taken from the Interstate Commerce Commission to the Supreme Court of the United States. Especially is this desirable when we consider that the Supreme Court refuses to disturb the findings of the Interstate Commerce Commission on a pure question of fact. Not so with the Commerce Court, however. In creating the Commerce Court it was the intention of Congress that the power of the Interstate Commerce Commission should not be circumscribed or curtailed by the creation of the Commerce Court and that the Commerce Court should have no greater power to review questions of fact than had the Supreme Court of the United States. But no sooner had the Commerce Court been created than it assumed powers which Congress never intended to give it, to review questions of fact which had been decided by the Interstate Commerce Commission.

Instead of retaining this court simply to expedite business, we could easily amend the law so that cases appealed from the Commerce Court will come within that class of cases provided for in the expedition act, or we could provide for appeals to the Supreme Court directly from the Interstate Commerce Commission.

Now, Mr. Chairman, my main objection to the Commerce Court is that it will destroy the usefulness of the Interstate Commerce Commission itself. [Applause.] It is admitted on all sides that jealousies have crept in between these two great bodies. Constituted as these two tribunals are such jealousies can not be prevented, but they will increase. The Commerce Court is admirably created and constituted to involve jealousies between it and the Interstate Commerce Commission. Next to the Supreme Court of the United States, I believe that the people of the United States have faith in the decisions, in the honesty and purpose, and in the intelligence and fairness of the Interstate Commerce Commission. [Applause.]

Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman, was not that largely due to the fact that Judge Knapp was chairman of the Interstate Commerce Commission for 13 years and because of his ability and honesty?

Mr. GOOD. Oh, no; I would not say that it is because of Judge Knapp alone, but it is because of the ability, the fairness, and honesty of all the commissioners.

Mr. MICHAEL E. DRISCOLL. And is not he just as honest now?

Mr. GOOD. Undoubtedly; but I am not willing to vote to continue a court here that will sit and decide only cases that are decided by the Interstate Commerce Commission. These jealousies can not be removed by continuing this court. These jealousies will increase, and in the end will undermine and destroy the great Interstate Commerce Commission, in which the shippers of the United States have implicit confidence and to which they have gone in so many cases and uniformly have had the relief to which they were entitled. For these reasons I am opposed to a further retention of this court and shall vote to abolish it. [Applause.]

Mr. STEVENS of Minnesota. I yield to the gentleman from New York [Mr. LEVY] the remainder of my time.

Mr. LEVY. Mr. Chairman, in my opinion, it would be a great mistake to abolish this court, and I challenge the gentleman from Iowa [Mr. Good] in his statement, and state that the Interstate Commerce Commission has been very unfair and unjust to the railroads of this country. We need 100,000 miles more of railroads. How do we propose to build them? The Interstate Commerce Commission holds up its decisions from six to nine months. No other courts in the land withhold their decisions for such a length of time. The freight rates are continually reduced by the commission, although our freight rates are 33 per cent lower than foreign rates. If the Commerce Court is abolished, it will take months and months to obtain final judicial decisions. The Interstate Commerce Commission is not alone a detriment to this country as at present constituted, but it also injures labor, retards business, and restricts railroad construction, which we so much need. When the President of the United States suggested to the Interstate Commerce Commission to remain in this country and decide the question of increase and equalization of freight rates, the commission stated that they had already made arrangements to go abroad.

Mr. DICKINSON. May I ask the gentleman a question?

Mr. LEVY. Yes.

Mr. DICKINSON. Would you be in favor of abolishing the Interstate Commerce Commission?

Mr. LEVY. No, sir; but I would be in favor of appointing a fair commission, not one that would be unjust and unfair to the railroads, shippers, laboring classes, and business interests of this country.

Mr. ALEXANDER. Will the gentleman please give one specific instance where they have been unfair to the railroads or to the people?

Mr. LEVY. Yes, sir.

Mr. ALEXANDER. I would like to hear the gentleman do it.

Mr. LEVY. I am going to do so. At the time of the conference between the President of the United States, the railroad representatives, and the Interstate Commerce Commission, when the question of withdrawing the injunction against the railroads restraining them from increasing rates was discussed, the President suggested to the Interstate Commerce Commission that they promptly take up the question of freight rates. The commission stated that they had already arranged to go to Europe. A part of the membership of the Interstate Commerce Commission started for Europe and left the investigation of freight rates to inspectors, who reported to the commission, thereby holding up the commission's decision for months. In the meantime the railroads increased the wages of their employees 10 per cent, with the expectancy of an early decision from the commission. The Interstate Commerce Commission has the whole country overrun with inspectors interfering with the railroad traffic of the country. The commission is the most extravagant branch of the Government, expending during the fiscal year ending June 30, 1911, \$1,296,670.74, and for the enlightenment of the public I submit the following:

Detailed statement of expenditures of the Interstate Commerce Commission for fiscal year ending June 30, 1911.

Salaries of commissioners and secretary	\$73,750.00
Employees:	
1 statistician, 10 months, at \$5,000 per annum	
1 Chief of Bureau of Tariffs, 1 year, at \$4,500 per annum	\$4,160.67
1 solicitor, 1 year, at \$4,500 per annum	4,500.00
1 attorney, 11½ months 4 days, at \$4,500 per annum	4,362.50
1 attorney, 3½ months, at \$3,000 per annum, 2½ months, at \$3,600 per annum, and 6 months, at \$3,900 per annum	3,575.00
1 attorney, 1 year, at \$3,600 per annum	3,600.00
1 attorney, 6 months, at \$3,600 per annum	1,800.00

Employees—Continued.

5 attorneys, 1 year, at \$3,000 per annum	\$15,000.00
1 attorney, 8½ months 12 days, at \$3,000 per annum	2,225.00
1 attorney, 7½ months 1 day, at \$3,000 per annum	1,883.33
1 attorney, 5½ months 2 days, at \$3,000 per annum	1,391.67
1 attorney, 3 months, at \$3,000 per annum	750.00
1 attorney, 1½ months 13 days, at \$3,000 per annum	483.33
1 disbursing clerk, 6 months, at \$2,760 per annum, and 6 months, at \$3,000 per annum	2,880.00
1 associate statistician, 1 month, at \$3,000 per annum	250.00
1 chief clerk, 1 year, at \$2,880 per annum	2,880.00
1 assistant statistician, 1 year, at \$2,760 per annum	2,760.00
2 attorneys, 1 year, at \$2,640 per annum	5,280.00
1 confidential clerk, 3½ months, at \$2,400 per annum, and attorney, 8½ months, at \$2,640 per annum	2,570.00
1 clerk, 3½ months, at \$1,500 per annum, and attorney, 8½ months, at \$2,640 per annum	2,307.50
1 attorney, 8 months 10 days, at \$2,640 per annum	1,833.33
1 attorney, 5½ months, at \$2,640 per annum	1,210.00
1 attorney, 4½ months ½ day, at \$2,640 per annum	993.66
1 assistant auditor, 1 year, at \$2,520 per annum	2,520.00
1 special agent, 1 year, at \$2,520 per annum	2,520.00
1 chief of division, 1 year, at \$2,520 per annum	2,520.00
1 attorney, 8 months, at \$2,520 per annum	1,680.00
1 chief of division, 1 year, at \$2,400 per annum	2,400.00
1 confidential clerk, 6 months, and attorney, 6 months, at \$2,400 per annum	2,400.00
2 confidential clerks, 1 year, at \$2,400 per annum	4,800.00
1 confidential clerk, 9 months, at \$2,400 per annum	1,800.00
1 confidential clerk, 8½ months, at \$2,400 per annum	1,700.00
1 confidential clerk, 5½ months, at \$2,400 per annum	1,100.00
2 law clerks, 1 year, at \$2,400 per annum	4,800.00
1 special agent, 7 months, at \$2,400 per annum	1,400.00
1 assistant to director, 4½ months, at \$2,400 per annum	900.00
2 chiefs of divisions, 1 year, at \$2,220 per annum	4,440.00
2 senior clerks, 1 year, at \$2,100 per annum	4,200.00
1 chief of division, 1 year, at \$2,100 per annum	2,100.00
1 law clerk, 1 year, at \$2,100 per annum	2,100.00
1 official stenographer, 1 year, at \$2,100 per annum	2,100.00
1 special agent, 1 year, at \$2,100 per annum	2,100.00
1 cashier, 1 year, at \$2,100 per annum	2,100.00
2 senior clerks, 1 year, at \$1,980 per annum	3,960.00
1 law clerk, 1 year, at \$1,980 per annum	1,980.00
1 chief of division, 1 year, at \$1,980 per annum	1,980.00
1 special agent, 11½ months 4 days, at \$1,980 per annum	1,919.50
1 chief inspector, 6 months, at \$1,860 per annum, and 5 months 10 days, at \$1,980 per annum	1,810.00
6 senior clerks, 1 year, at \$1,860 per annum	11,160.00
1 clerk, 6 months, at \$1,620 per annum, and senior clerk, 6 months, at \$1,860 per annum	1,740.00
1 clerk, 10½ months, at \$1,620 per annum, and senior clerk, 1½ months, at \$1,860 per annum	1,650.00
1 clerk, 5 months 6 days, at \$1,620 per annum, and senior clerk, 6 months, at \$1,860 per annum	1,632.00
1 senior clerk, 9½ months, at \$1,860 per annum	1,472.50
1 senior clerk, 8 months 12 days, at \$1,860 per annum	1,302.00
1 senior clerk, 7 months 10 days, at \$1,860 per annum	1,136.67
1 senior clerk, 1½ months 9½ days, at \$1,860 per annum	281.58
3 special agents, 1 year, at \$1,860 per annum	5,580.00
1 special agent, 5½ months 8 days, at \$1,860 per annum	888.66
1 printing clerk, 11½ months 2 days, at \$1,860 per annum	1,792.83
3 clerks, 1 year, at \$1,740 per annum	5,220.00

Employees—Continued.

1 clerk, 6 months, at \$1,620 per annum, and 6 months, at \$1,740 per annum	\$1, 080.00
1 confidential clerk, 1½ months, at \$2,400 per annum, and attorney, 5½ months, at \$1,740 per annum	1, 097.50
19 clerks, 1 year, at \$1,620 per annum	30, 780.00
1 clerk, 11 months 5 days, at \$1,620 per annum	1, 507.50
1 junior clerk, 10½ months, at \$1,400 per annum, and clerk, 1½ months, at \$1,620 per annum	1, 427.50
1 clerk, 8½ months 1 day, at \$1,620 per annum	1, 152.00
29 clerks, 1 year, at \$1,500 per annum	43, 500.00
1 junior clerk, ½ month, at \$1,320 per annum, and clerk, 11½ months, at \$1,500 per annum	1, 492.50
1 clerk, 11½ months 9 days, at \$1,500 per annum	1, 475.00
1 junior clerk, 9 months, at \$1,380 per annum, and clerk, 3 months, at \$1,500 per annum	1, 410.00
2 clerks, 6 months 9 days, at \$1,500 per annum	1, 575.00
1 special agent, 1 year, at \$1,500 per annum	1, 500.00
1 special agent, 7½ months, and clerk, 4½ months, at \$1,500 per annum	1, 500.00
8 junior clerks, 1 year, at \$1,400 per annum	11, 200.00
1 junior clerk, 9½ months, at \$1,400 per annum	1, 108.34
1 junior clerk, 7½ months 3 days, at \$1,400 per annum	886.66
7 junior clerks, 1 year, at \$1,380 per annum	9, 660.00
1 junior clerk, 5 months, at \$1,320 per annum, and 7 months, at \$1,380 per annum	1, 355.00
1 junior clerk, 10½ months, at \$1,320 per annum, and 1½ months, at \$1,380 per annum	1, 327.50
1 junior clerk, 6 months, at \$1,200 per annum, and 6 months, at \$1,380 per annum	1, 290.00
1 junior clerk, 10 months 6 days, at \$1,380 per annum	1, 173.00
1 junior clerk, 7 months 6 days, at \$1,380 per annum	828.00
1 inspector, 2½ months 4½ days, at \$1,380 per annum	304.74
1 special agent, 2 months, at \$1,500 per annum, and junior clerk, 10 months, at \$1,320 per annum	1, 350.00
38 junior clerks, 1 year, at \$1,320 per annum	50, 160.00
1 junior clerk, 1 month, at \$1,200 per annum, and 11 months, at \$1,320 per annum	1, 310.00
1 junior clerk, 11½ months 11½ days, at \$1,320 per annum	1, 307.17
1 junior clerk, 5 months, at \$1,260 per annum, and 7 months, at \$1,320 per annum	1, 295.00
1 junior clerk, 6 months, at \$1,200 per annum, and 6 months, at \$1,320 per annum	1, 260.00
1 junior clerk, 7½ months, at \$1,200 per annum, and 4½ months, at \$1,320 per annum	1, 245.00
1 junior clerk, 8 months, at \$1,200 per annum, and 4 months, at \$1,320 per annum	1, 240.00
1 junior clerk, 9 months, at \$1,200 per annum, and 3 months, at \$1,320 per annum	1, 230.00
2 junior clerks, 10½ months, at \$1,200 per annum, and 1½ months, at \$1,320 per annum	2, 430.00
1 junior clerk, 11 months, at \$1,320 per annum	1, 210.00
1 under clerk, 3 months, at \$1,020 per annum, and junior clerk, 7½ months, at \$1,200 per annum, and 1½ months, at \$1,320 per annum	1, 170.00
1 junior clerk, 10½ months ½ day, at \$1,320 per annum	1, 156.83
1 junior clerk, 10 months 13½ days, at \$1,320 per annum	1, 149.50
1 junior clerk, 10 months 7 days, at \$1,320 per annum	1, 125.66
1 junior clerk, 9 months 12 days, at \$1,320 per annum	1, 033.99
1 junior clerk, 8½ months 7 days, at \$1,320 per annum	960.67
1 junior clerk, 2½ months, at \$1,320 per annum	275.00
1 inspector, 8 months 5 days, at \$1,320 per annum	898.33
1 inspector, 3 months, at \$1,320 per annum	330.00
9 junior clerks, 1 year, at \$1,260 per annum	11, 340.00
1 junior clerk, 5 months, at \$1,200 per annum, and 7 months, at \$1,260 per annum	1, 235.00
61 junior clerks, 1 year, at \$1,200 per annum	73, 200.00
1 junior clerk, 11½ months 14½ days, at \$1,200 per annum	1, 197.50
1 junior clerk, 11½ months, 14 days, at \$1,200 per annum	1, 196.67

Employees—Continued.

1 junior clerk, 11½ months, 10 days, at \$1,200 per annum	\$1, 183.34
1 junior clerk, 8 month, 11½ days, at \$1,320 per annum, and 2½ months, at \$1,200 per annum	1, 172.16
2 under clerks, 3 months, at \$1,020 per annum, and junior clerks, 9 months, at \$1,200 per annum	2, 310.00
1 under clerk, 4½ months, at \$1,080 per annum, and junior clerk, 7½ months, at \$1,200 per annum	1, 155.00
2 under clerks, 6 months, at \$1,080 per annum, and junior clerks, 6 months, at \$1,200 per annum	2, 280.00
1 junior clerk, 11 months, 7 days, at \$1,200 per annum	1, 123.33
1 junior clerk, 11 months, 4½ days, at \$1,200 per annum	1, 115.00
1 under clerk, 9 months, at \$1,020 per annum, and junior clerk, 3 months, at \$1,200 per annum	1, 065.00
1 under clerk, 10½ months, at \$1,020 per annum, and junior clerk, 1½ months, at \$1,200 per annum	1, 042.50
3 junior clerks, 10 months, at \$1,200 per annum	3, 000.00
1 junior clerk, 7 months, 8 days, at \$1,200 per annum	726.67
1 under clerk, 6 months, at \$1,020 per annum, and junior clerk, 2 months, at \$1,200 per annum	710.00
1 junior clerk, 6½ months, 8 days, at \$1,200 per annum	676.67
1 junior clerk, 6½ months, 4 days, at \$1,200 per annum	663.33
1 junior clerk, 6½ months, at \$1,200 per annum	650.00
1 junior clerk, 6 months, 9 days, at \$1,200 per annum	630.00
3 junior clerks, 5½ months, 13 days, at \$1,200 per annum	1, 779.99
5 junior clerks, 5 months, at \$1,200 per annum	2, 500.00
1 junior clerk, 4½ months, 1 day, at \$1,200 per annum	453.33
1 junior clerk, 3 months, at \$1,200 per annum	300.00
1 junior clerk, 2½ months, 3 days, at \$1,200 per annum	260.00
6 under clerks, 1 year, at \$1,080 per annum	6, 480.00
2 under clerks, 4 months, at \$1,020 per annum, and 8 months, at \$1,080 per annum	2, 120.00
1 under clerk, 4½ months, at \$1,020 per annum, and 7½ months, at \$1,080 per annum	1, 057.50
1 under clerk, 9 months, at \$1,020 per annum, and 3 months, at \$1,080 per annum	1, 035.00
2 under clerks, 10½ months, at \$1,020 per annum, and 1½ months, at \$1,080 per annum	2, 055.00
1 under clerk, 6 months, at \$900 per annum, and 3 months, at \$1,080 per annum	945.00
1 under clerk, 7½ months, 9 days, at \$1,080 per annum	702.00
1 under clerk, 6½ months, 3 days, at \$1,080 per annum	594.00
16 under clerks, 1 year, at \$1,020 per annum	16, 320.00
1 under clerk, 11½ months, 14 days, at \$1,020 per annum	1, 017.17
1 under clerk, 5½ months, at \$960 per annum, and 6½ months, at \$1,020 per annum	992.50
1 under clerk, 4 months, at \$900 per annum, and 8 months, at \$1,020 per annum	980.00
1 under clerk, 11½ months, at \$1,020 per annum	977.49
1 under clerk, 5 months, 5 days, at \$900 per annum, and 6½ months, at \$1,020 per annum	940.00
1 under clerk, 11 months, at \$1,020 per annum	935.00
2 under clerks, 9 months, at \$900 per annum, and 3 months, at \$1,020 per annum	1, 860.00
1 under clerk, 10½ months, 7 days, at \$1,020 per annum	912.33
2 under clerks, 10½ months, at \$1,020 per annum	1, 785.00
1 under clerk, 10 months, 9 days, at \$1,020 per annum	875.50
1 under clerk, 10 months, at \$1,020 per annum	850.00
1 under clerk, 9 months, 6 days, at \$1,020 per annum	782.00
2 under clerks, 8 months, at \$1,020 per annum	1, 530.00
1 under clerk, 7½ months, 9 days, at \$1,020 per annum	663.00
1 under clerk, 7½ months, 7 days, at \$1,020 per annum	657.33
1 under clerk, 7½ months, at \$1,020 per annum	637.50
1 under clerk, 6 months, 9 days, at \$900 per annum, and 1½ months, at \$1,020 per annum	600.00

Employees—Continued.

1 under clerk, 6½ months, 3½ days, at \$900 per annum, and 1 month, 4 days at \$1,020 per annum	\$592.58
1 under clerk, 6½ months, 11 days, at \$1,020 per annum	583.67
1 under clerk, 5½ months, 7 days, at \$1,020 per annum	487.33
1 under clerk, 5 months, at \$1,020 per annum	425.00
1 under clerk, 4½ months, 2 days, at \$1,020 per annum	388.17
1 under clerk, 4 months, 6 days, at \$1,020 per annum	357.00
1 under clerk, 3½ months, at \$1,020 per annum	297.50
1 under clerk, 3 months, at \$900 per annum, and ½ month, at \$1,020 per annum	267.50
1 under clerk, 3 months, 3 days, at \$1,020 per annum	263.50
1 under clerk, 3 months, at \$1,020 per annum	255.00
1 under clerk, 2½ months, 1 day, at \$1,020 per annum	215.33
1 under clerk, 2 months, at \$1,020 per annum	170.00
1 under clerk, 1½ months, 8 days, at \$1,020 per annum	150.17
1 under clerk, 1 month, 7 days, at \$1,020 per annum	104.83
2 under clerks, ½ month, 3 days, at \$1,020 per annum	102.00
1 under clerk, 8 days, at \$1,020 per annum	22.67
2 skilled laborers, 1 year, at \$1,020 per annum	2,040.00
1 under clerk, 11 months, 3 days, at \$900 per annum	832.50
1 messenger, 4 months, at \$660 per annum, and under clerk, 8 months, at \$900 per annum	820.00
1 messenger, 3 months, at \$660 per annum, and under clerk, 8½ months, 4 days, at \$900 per annum	812.50
1 messenger, 5½ months, at \$660 per annum, and under clerk, at 6½ months, at \$900 per annum	790.00
1 messenger boy, 6½ months, 14 days, at \$480 per annum, and under clerk, 5 months, at \$900 per annum	653.67
1 under clerk, 8½ months, at \$900 per annum	637.50
1 under clerk, 8 months, at \$900 per annum	600.00
1 under clerk, 7½ months, 13 days, at \$900 per annum	595.00
1 under clerk, 7½ months, at \$900 per annum	562.50
1 under clerk, 4 months, 11 days, at \$900 per annum	327.50
1 under clerk, 4 months, 7 days, at \$900 per annum	317.50
1 under clerk, 3 months, at \$900 per annum	225.00
1 under clerk, 2½ months, 6 days, at \$900 per annum	202.50
1 under clerk, 2 months, at \$900 per annum	150.00
1 under clerk, ½ month, 11 days, at \$900 per annum	65.00
1 under clerk, ½ month, at \$900 per annum	37.50
1 under clerk, 7 days, at \$900 per annum	17.50
1 telephone operator, 1 year, at \$900 per annum	900.00
1 skilled laborer, 1 year, at \$840 per annum	840.00
2 messengers, 1 year, at \$720 per annum	1,440.00
1 messenger boy, 11 months, at \$480 per annum, and messenger, 1 month, at \$720 per annum	500.00
1 classified laborer, 1 year, at \$720 per annum	720.00
1 classified laborer, 6 months, at \$600 per annum, and 6 months, at \$720 per annum	660.00
1 skilled laborer, 10½ months, at \$600 per annum, and 1½ months, at \$720 per annum	667.50
4 watchmen, 1 year, at \$720 per annum	2,880.00
1 watchman, 6 months, at \$720 per annum	360.00
1 watchman, 3½ months, at \$720 per annum	210.00
1 elevator conductor, 5 months, at \$720 per annum	300.00
1 elevator conductor, 4½ months, 7 days, at \$720 per annum	284.00
1 elevator conductor, ½ month, 10 days, at \$720 per annum	50.00
1 elevator conductor, 5 days, at \$720 per annum	10.00
8 messengers, 1 year, at \$660 per annum	5,280.00
1 messenger, 7½ months, 11 days, at \$660 per annum	432.67
1 foreman laborer, 1 year, at \$600 per annum	600.00
12 unskilled laborers, 1 year, at \$600 per annum	7,200.00

Employees—Continued.

1 unskilled laborer, 11 months, 8 days, at \$600 per annum	\$563.33
1 unskilled laborer, 7½ months, at \$600 per annum	375.00
1 unskilled laborer, 4 months, 7 days, at \$600 per annum	211.67
13 messenger boys, 1 year, at \$480 per annum	6,240.00
3 messenger boys, 6 months, at \$420 per annum, and 6 months, at \$480 per annum	1,350.00
1 messenger boy, 9 months, at \$420 per annum, and 3 months, at \$480 per annum	435.00
1 messenger boy, 10½ months, at \$420 per annum, and 1½ months, at \$480 per annum	427.50
1 messenger boy, 7 months, 2 days, at \$480 per annum	282.67
7 messenger boys, 1 year, at \$420 per annum	2,940.00
1 messenger boy, 11½ months, 9 days, at \$420 per annum	413.00
1 messenger boy, 9 months, at \$420 per annum	315.00
1 messenger boy, 8 months, 13 days, at \$420 per annum	295.17
1 messenger boy, 8 months, at \$420 per annum	280.00
1 messenger boy, 7 months, 8 days, at \$420 per annum	254.33
1 messenger boy, 6½ months, 11 days, at \$420 per annum	240.33
1 messenger boy, 6 months, 4 days, at \$420 per annum	214.67
1 messenger boy, 5 months, at \$420 per annum	175.00
1 messenger boy, 4 months, at \$420 per annum	140.00
1 messenger boy, 3 months, 9 days, at \$420 per annum	115.50
1 messenger boy, 2½ months, 2 days, at \$420 per annum	89.83
1 messenger boy, ½ month, 6 days, at \$420 per annum	24.50
11 unskilled laborers, 1 year, at \$240 per annum	2,640.00
2 unskilled laborers, 11½ months, 14 days, at \$240 per annum	478.66
1 unskilled laborer, 11½ months, 11½ days, at \$240 per annum	237.66
1 unskilled laborer, 9 months, 12 days, at \$240 per annum	188.00
2 unskilled laborers, 1 month, 14 days, at \$240 per annum	58.68
2 unskilled laborers, 1 month, at \$240 per annum	40.00
1 temporary inspector, 1½ months, at \$1,380 per annum	172.50
1 temporary under clerk, 1½ months, 11 days, at \$1,020 per annum	158.67
1 temporary under clerk, ½ month, 4 days, at \$1,020 per annum	53.83
1 temporary under clerk, ½ month, 2½ days, at \$1,020 per annum	49.58
2 temporary under clerks, 5½ months, 14 days, at \$900 per annum	895.00
1 temporary under clerk, 4½ months, 4 days, at \$900 per annum	347.50
1 temporary under clerk, 3 months, 4 days, at \$900 per annum	235.00
1 temporary under clerk, ½ month, 3 days, at \$900 per annum	45.00
1 temporary watchman, 6 months, at \$720 per annum	360.00
1 temporary watchman, 3½ months, at \$720 per annum	210.00
1 temporary watchman, 1½ months, 14 days, at \$720 per annum	118.00
1 temporary watchman, 1 month, 10 days, at \$720 per annum	80.00
1 temporary watchman, ½ month, 2 days, at \$720 per annum	34.00
1 temporary elevator conductor, ½ month, 8 days, at \$720 per annum	46.00
1 temporary elevator conductor, ½ month, 3 days, at \$720 per annum	36.00
2 temporary skilled laborers, ½ month, 14 days, at \$660 per annum	106.34
1 temporary unskilled laborer, 3 months, at \$600 per annum	150.00
1 temporary employee, 2 months, 6 days, at \$50 per month	110.00
	\$578,959.44
Stenography and typewriting:	
421½ hours, at 40 cents per hour	168.70
70,733½ pages, at 60 cents per page	42,440.10
22,150 pages, at 50 cents per page	11,075.00
30 pages, at 35 cents per page	10.50
1,870 pages, at 25 cents per page	467.50
12,699 pages, at 12½ cents per page	1,587.35
Stenography and typewriting—Continued.	
288 pages, at 10 cents per page	28.80
234 folios, at 16 cents per folio	37.44
690 folios, at 15 cents per folio	103.50
	55,918.89
Traveling expenses	
Rent of offices, second, third, fourth, fifth, sixth, seventh, eighth, and ninth floors, one room on first floor, and basement of American Bank Building, 1317 F Street	58,555.00

NW.; second, third, fourth, fifth, and sixth floors of building 1307-1309 G Street NW.; second, third, and fourth floors, and basement of Epiphany Building, 1311 G Street NW.; one room on eighth floor of Westory Building, Fourteenth and F Streets NW.; second, third, fourth, and fifth floors, and one room on sixth floor of Glover Building, 1419 F Street NW.; basement under premises 1334 F Street NW.; brick building in rear of premises 1338 G Street NW. (this charge includes heating, lighting, elevator, and water service); and two rooms on first floor of 802 South University Avenue, Ann Arbor, Mich.

Desks, chairs, tables, bookcases, and filing cases, typewriters, etc.	\$10,643.59
Stationery	8,692.34
Printing	67.50
Books and periodicals	2,734.07
Counsel	2,756.75
Special services	18,587.40
Witness fees	371.15
Telegrams	1,994.13
Incidental expenses	10,244.18
	<u>\$44,830.22</u>
	<u>789,354.66</u>

Examination of accounts:

Employees—

1 chief examiner, 1 year, at \$5,000 per annum	\$5,000.00
2 examiners, 1 year, at \$3,000 per annum	6,000.00
1 examiner, 2 months, at \$2,700 per annum, and 10 months, at \$3,000 per annum	2,950.00
1 examiner, 3 months, at \$2,700 per annum, and 4½ months 5 days, at \$3,000 per annum	1,841.67
1 examiner, 2 months, at \$3,000 per annum	500.00
1 examiner, 1 month, at \$3,000 per annum	250.00
1 examiner, 3 months, at \$2,400 per annum, and 9 months, at \$2,700 per annum	2,625.00
1 examiner, 8 months, at \$2,520 per annum, and 4 months, at \$2,700 per annum	2,580.00
1 examiner, 3 months 8 days, at \$2,700 per annum	735.00
3 examiners, 1 year, at \$2,520 per annum	7,560.00
1 examiner, 2 months, at \$2,400 per annum, and 10 months, at \$2,520 per annum	2,440.00
9 examiners, 1 year, at \$2,400 per annum	21,600.00
2 examiners, 8 months, at \$2,220 per annum, and 4 months, at \$2,400 per annum	4,560.00
2 examiners, 4 months, at \$2,100 per annum, and 4 months, at \$2,220 per annum, and 4 months, at \$2,400 per annum	4,480.00
1 examiner, 5 months, at \$2,400 per annum	1,000.00
1 examiner, 3 months, 12 days, at \$2,400 per annum	680.00
1 examiner, 2½ months, 12 days, at \$2,400 per annum	580.00
1 examiner, 8 months, at \$2,100 per annum, and 4 months, at \$2,200 per annum	2,140.00
1 examiner, 8 months, at \$1,980 per annum, and 4 months, at \$2,220 per annum	2,060.00
4 examiners, 1 year, at \$2,100 per annum	8,400.00
2 examiners, 4 months, at \$1,980 per annum, and 8 months, at \$2,100 per annum	4,120.00

Examination of accounts—Con.

Employees—Continued.

1 examiner, 2 months, 14 days, at \$2,100 per annum	\$431.67
14 examiners, 1 year, at \$1,980 per annum	27,720.00
2 examiners, 4 months, at \$1,860 per annum, and 8 months, at \$1,980 per annum	3,880.00
1 examiner, 8 months, at \$1,860 per annum, and 4 months, at \$1,980 per annum	1,900.00
1 examiner, 9 months, 8 days, at \$1,980 per annum	1,529.00
1 examiner, 1 month, at \$1,980 per annum	165.00
24 examiners, 1 year, at \$1,860 per annum	44,640.00
1 examiner, 7½ months, 2 days, at \$1,860 per annum	1,172.83
1 examiner, ½ month, 4 days, at \$1,860 per annum	98.17
2 junior clerks, 4 months, at \$1,380 per annum, and clerks, 8 months, at \$1,620 per annum	3,080.00
1 junior clerk, 8 months, at \$1,380 per annum, and clerk, 4 months, at \$1,620 per annum	1,460.00
1 clerk, 1 year, at \$1,500 per annum	1,500.00
1 clerk, 7½ months, 12 days, at \$1,500 per annum	987.50
1 clerk, 7½ months, 9 days, at \$1,500 per annum	975.00
1 clerk, 7 months, 10 days, at \$1,500 per annum	916.67
1 clerk, 7 months, at \$1,500 per annum	875.00
1 clerk, 5½ months, 9 days, at \$1,500 per annum	725.00
4 junior clerks, 7 months, at \$1,380 per annum	3,220.00
1 junior clerk, 6 months, 11 days, at \$1,380 per annum	732.17
1 junior clerk, 1 year, at \$1,200 per annum	1,200.00
1 junior clerk, 11½ months, 8 days, at \$1,200 per annum	1,176.67
1 under clerk, 1 year, at \$1,080 per annum	1,080.00
3 under clerks, 1 year, at \$1,020 per annum	3,060.00
1 under clerk, 11½ months, at \$1,020 per annum	977.50
1 under clerk, 8½ months, at \$1,020 per annum	722.50
1 under clerk, 8 months, 11 days, at \$1,020 per annum	711.16
1 under clerk, 8 months, at \$1,020 per annum	680.00
1 under clerk, 7 months, 2 days, at \$1,020 per annum	600.67
1 under clerk, 3½ months, at \$1,020 per annum	297.50
1 under clerk, 3 months, 12 days, at \$1,020 per annum	289.00
1 under clerk, 2 months, 9 days, at \$1,020 per annum	195.50
1 under clerk, 1½ months, 1 day, at \$1,020 per annum	130.33
1 under clerk, ½ month, 10 days, at \$1,020 per annum	70.33
1 messenger boy, 1 year, at \$480 per annum	480.00
1 messenger boy, 10 months, 12 days, at \$420 per annum	364.00

Examination of accounts—Con.
Employees—Continued.

1 temporary comptometer operator, 1½ months, 8 days, at \$75 per month-----	\$132.50	
1 temporary comptometer operator, ½ month, 3½ days, at \$75 per month-----	46.87	
1 temporary comptometer operator, 1 month, 8 days, at \$60 per month-----	76.00	
2 temporary comptometer operators, 1 month, 12 days, at \$50 per month-----	140.00	
1 temporary comptometer operator, 1 month, 9 days, at \$50 per month-----	65.00	
	\$190,605.71	
Traveling expenses-----	99,919.27	
Incidental expenses-----	4,411.10	
		\$294,936.08

Safety appliance:

Employees—

1 attorney, 11 months, 26½ days, at \$2,640 per annum-----	2,616.17	
2 attorneys, 1 year, at \$1,740 per annum-----	3,480.00	
1 attorney, 6 months, at \$1,620 per annum, and 6 months, at \$1,740 per annum-----	1,680.00	
1 attorney, 5 months, at \$1,740 per annum-----	725.00	
1 clerk, 5½ months, 20 days, at \$1,620 per annum, and 6 months, at \$1,740 per annum-----	1,635.00	
21 inspectors, 1 year, at \$1,620 per annum-----	34,020.00	
1 inspector, 11½ months, 12 days, at \$1,620 per annum-----	1,606.50	
1 inspector, 11 months, 12 days, at \$1,620 per annum-----	1,539.00	
2 inspectors, 8½ months, 9 days, at \$1,620 per annum-----	2,376.00	
1 inspector, 2½ months, 1 day, at \$1,620 per annum-----	342.00	
1 inspector, ½ month, 11 days, at \$1,620 per annum-----	117.00	
1 junior clerk, 1 year, at \$1,200 per annum-----	1,200.00	
1 under clerk, 6 months, at \$1,080 per annum, and junior clerk, 6 months, at \$1,200 per annum-----	1,140.00	
1 under clerk, 6 months, 12 days, at \$1,020 per annum-----	544.00	
1 under clerk, 2½ months, 6 days, at \$900 per annum-----	202.50	
1 temporary under clerk, 3½ months, at \$900 per annum-----	262.50	
	53,485.67	
Traveling expenses-----	53,485.91	
Incidental expenses-----	1,202.62	
		108,174.20

Locomotive-boiler inspection:

Employees—

1 chief inspector, 3 months, 6 days, at \$4,000 per annum-----	1,066.67	
2 assistant chief inspectors, 3 months, 6 days, at \$3,000 per annum-----	1,600.00	
1 junior clerk, 1 month, at \$1,320 per annum-----	110.00	
2 under clerks, 1 month, at \$1,020 per annum-----	170.00	
1 messenger boy, 1 month, at \$420 per annum-----	35.00	
	2,981.67	
Traveling expenses-----	570.19	
Incidental expenses-----	2,140.23	
		5,692.14

Block signal and train control----- 24,763.66
 Total amount of expenditures from July 1, 1910, to June 30, 1911----- 1,296,670.74

The Commerce Court is the only restraining influence upon the Interstate Commerce Commission, and it would be a great mistake to abolish this court. I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 143 strike out all of section 10 and insert in lieu thereof the following, to be known as section 10:

"United States Commerce Court: Expense allowance for judges at rate of \$1,500 per annum each, \$7,500; clerk, \$4,000; deputy clerk, \$2,500; marshal, \$3,000; deputy marshal, \$2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for necessary traveling expenses of the court, its officials and employees; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, \$75,000; in all, \$94,500.

"A detailed statement of the expenditure of the appropriations for the United States Commerce Court shall be submitted to Congress at the beginning of each regular session thereof."

Mr. SIMS. Mr. Chairman, I rise to close the debate, and I hope to have the attention of the committee for a few moments. I may not use the six minutes to which I am entitled. I want to call attention to the very frank admission of the distinguished gentleman from New York, who comes here and says that he is in favor of the abolition of the Interstate Commerce Commission.

Mr. LEVY. I did not. I am in favor of the Interstate Commerce Commission.

Mr. SIMS. Then, to abolish its powers and usefulness.

Mr. LEVY. No, sir; but I am not in favor of the gentlemen who are there.

Mr. SIMS. Then the gentleman wants to remove the present commissioners. Now, the gentleman used this language:

I am in favor of the Commerce Court as a restraining influence over the Interstate Commerce Commission.

Mr. LEVY. The present commission.

Mr. SIMS. Then the gentleman's fight is on the distinguished gentlemen who at present compose that commission?

Mr. LEVY. Mostly that; yes.

Mr. SIMS. You want the recall.

Mr. LEVY. Well, I want disinterested and capable commissioners. [Applause.]

Mr. SIMS. Mr. Chairman, I asked that we consider this measure without reference to the much-mooted question of the recall, but I could not prevent the gentleman from New York from injecting it. Now, I want to call attention to the official statement—these are not my words—as to what will be the effect on the orders of the Interstate Commerce Commission if the construction of the law as held by the Commerce Court is sustained. The commission says in its annual report—the last one:

If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one hundredths of the orders of this commission can be reviewed upon the question of fact by the court.

If ninety-nine out of every one hundred orders of the commission can be reviewed upon the facts, it is an absolute substitution of the judgment of the court for that of the commission—the judgment and discretion of a judicial body for that of an expert rate-making body.

Mr. MICHAEL E. DRISCOLL. Do not you do the same thing when you send a case back to the district judges throughout the country? Do not you review the questions the same way?

Mr. SIMS. If the district judges should make such a decision as that, as a matter of course it would be the same in effect; but I am telling you, whenever you claim that this court is acting more favorably on the commission's orders than the circuit courts did before it was established, in refutation of that statement I am giving you the language of the commission itself, which is better qualified to judge of the effect of the court's decisions on its orders than anybody else. Now, what has this court done? I did not discuss this phase when I had the floor before, because I am opposed to creating a special expert court, all special courts, especially a special expert court of first instance, when in the very nature of things there can not be a special expert court of last resort. Here is what the commission says as to the decisions of the Commerce Court since its existence, or up to the date the report was filed:

As shown by the last annual report of the Interstate Commerce Commission, out of 27 cases passed on by the Commerce Court since its creation, February 15, 1911, to December 4, the date of said

report, preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases, and only 3 of the 7 were of any magnitude; and in but 3 cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained, even temporarily, by the refusal to grant a temporary restraining order.

Now, the gentleman from Minnesota [Mr. STEVENS] talks about this being a good thing for the poor shippers, and then admits that not more than five cases out of every hundred are brought by shippers, rich or poor. I want to know where the poor shippers can get less comfort than out of the record of the decisions by this court in the first year of its existence?

Mr. MICHAEL E. DRISCOLL. If the Commerce Court had sustained nearly all of the orders of the commission, would the gentleman be here to-day trying to abolish that court?

Mr. SIMS. Yes; because it is a one-sided court, and can only be invoked by those who are in antagonism to the commission.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. SIMS] has expired. All time has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some certain views.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Without objection, leave is granted to the gentleman from Wisconsin [Mr. LENROOT], the gentleman from Iowa [Mr. GOOD], the gentleman from Maryland [Mr. COVINGTON], the gentleman from Illinois [Mr. MANN], and the gentleman from New York [Mr. MICHAEL E. DRISCOLL], and the other gentleman from New York [Mr. LEVY] to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LA FOLLETTE. Mr. Chairman, the gentleman from Tennessee promised me five minutes of time, which I did not get. I would like to ask unanimous consent to extend my remarks in the RECORD.

Mr. SIMS. I beg the gentleman's pardon. I did promise him five minutes, and I forgot it.

The CHAIRMAN. The gentleman from Washington [Mr. LA FOLLETTE] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question now is on the adoption of the amendment offered by the gentleman from New York [Mr. LEVY] in the nature of a substitute.

The question was taken, and the substitute was rejected.

Mr. STEVENS of Minnesota. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] moved to strike out a section.

The CHAIRMAN. It is not here at the desk. The Chair will recognize the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. I move to strike out section 10.

The CHAIRMAN. The gentleman from New York moves that section 10 be stricken out of the bill.

The question is on the amendment of the gentleman from New York.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MICHAEL E. DRISCOLL. Division, Mr. Chairman.

The committee divided; and there were—ayes 49, yeas 120.

So the amendment was rejected.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is not present, and the Chair will recognize the gentleman from California [Mr. RAKER] to offer an amendment.

Mr. RAKER. Mr. Chairman, could we not have an agreement upon this amendment relating to the mints and assay offices, the same as upon the matter which has just been disposed of?

Mr. BARTLETT. Mr. Chairman—

The CHAIRMAN. Does the gentleman from California [Mr. RAKER] yield to the gentleman from Georgia?

Mr. RAKER. I do.

Mr. BARTLETT. I desire to know what is before the committee.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized to offer an amendment.

Mr. BARTLETT. Mr. Chairman, let us have the amendment before we can make any agreement.

The CHAIRMAN. The point of order made by the gentleman from Georgia [Mr. BARTLETT] is correct. The gentleman

from California will send his amendment to the desk and have it read.

Mr. MANN. Mr. Chairman, will it not be necessary, by unanimous consent, to pass over matters that are undisposed of on pages 32 and 33?

Mr. BARTLETT. What is the suggestion made by the gentleman?

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. MANN] that these sections of the bill were passed. The gentleman in charge of the bill did not see proper to take up one of the sections passed, and therefore the Chair recognized the gentleman who had an amendment.

Mr. MANN. Naturally, I take it we went back in the beginning and took up those that were passed in order. However, I made the inquiry in order to hold the committee for a moment until the gentleman from South Carolina [Mr. JOHNSON] came in.

The CHAIRMAN. The Chair will state that it was in order to take up any of these sections that were passed, and as no other motion was made, the Chair recognizes the gentleman from California [Mr. RAKER] to offer an amendment. The Clerk will report the amendment.

Mr. MANN. I suggest we go back to the beginning and take the paragraphs up in the regular order.

Mr. RAKER. This matter is up now, and I ask that we go ahead.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Strike out, on page 62 of the bill, all of lines 13 to 21, inclusive.

Mr. JOHNSON of South Carolina. I would like to have the amendment stated again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. JOHNSON of South Carolina. Mr. Chairman, before we have the debate on that amendment, I would like to know if we can agree upon some time.

Mr. RAKER. I was going to make this suggestion: Could we not agree upon some time and discuss the entire matter, commencing at page 62, down to and including the bottom of page 64, and permit amendments to be made by the Members as they are recognized, and then at the end of that time vote upon all the amendments that have been submitted? I have a general amendment covering the whole subject, but prefer to give these other gentlemen a chance to offer amendments relating to their States. This has been understood among us who are interested.

Mr. JOHNSON of South Carolina. Oh, no. I think we had better dispose of this paragraph, because this is an important paragraph in the bill.

Mr. RAKER. I think there are five or six gentlemen who would like to be heard. They want to make amendments or a substitute, and we could then dispose of it all at once. I think we ought to have an hour. Could not we agree to an hour on each side, or to give us an hour and you take 30 minutes?

Mr. FITZGERALD. The time has to be equally divided.

Mr. RAKER. Do you not think we could get through with this proposition in an hour and a half?

Mr. JOHNSON of South Carolina. Yes; I think so.

Mr. RAKER. That would run us until 4 o'clock, and there are other items in the bill which must be discussed.

Mr. JOHNSON of South Carolina. I think we could agree to an hour and a half.

Mr. GILLET. I would like to know what right the two gentlemen have to decide.

Mr. JOHNSON of South Carolina. We are not deciding anything. We are trying to find something on which we can agree.

Mr. GILLET. I understood that the various persons interested in this had agreed upon a person who should represent them, and that person was not the gentleman from California.

Mr. RAKER. You are entirely mistaken in that. My district, my people, and my State are vitally interested, and no man in this House is more interested than I. The gentlemen have agreed that I should make this motion for all the Members interested in this matter. The Chairman has recognized me to make the first motion, and that right will be used by me. I permit no man to do my duty. This is more than a local matter. The great mining interests and the miner are interested, and I shall stand for them. I am a Representative from California, and her interests I will protect.

Mr. GILLET. I was told differently.

Mr. RAKER. You are laboring under a misunderstanding. Your informant is not talking within the facts. I have been giving this my personal attention and know. Who told you?

Mr. MANN. I have no objection to voting to close debate on all amendments at a certain time, but I shall object to a division of time in reference to it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects to the request of the gentleman from California [Mr. RAKER]. This debate will proceed by unanimous consent, and the gentleman from California [Mr. RAKER] will be recognized.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Is a motion to have an hour and a half of debate in order?

The CHAIRMAN. After there has been debate on the paragraph it will be in order.

Mr. BARTLETT. It has been somewhat discussed already, Mr. Chairman.

The CHAIRMAN. The Chairman does not recognize this as a discussion on the paragraph.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. JOHNSON], if he wants to make a motion.

Mr. JOHNSON of South Carolina. I desire, Mr. Chairman, to ask unanimous consent that all debate on this paragraph close in one hour.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that all debate on this paragraph close in one hour. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object—

Mr. MANN. I would like to ask whether that covers amendments or not?

The CHAIRMAN. Does the gentleman from South Carolina desire that his request shall cover amendments to the paragraph?

Mr. JOHNSON of South Carolina. That all debate upon this paragraph and amendments thereto shall close in one hour.

The CHAIRMAN. The gentleman modifies his request. It is that all debate on this paragraph and amendments thereto close in one hour. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, there are a number of gentlemen here who will want to offer amendments to this paragraph, and some of them have indicated that they want to have something to say in regard to their amendments. It may be that we can not all have a fair chance to be heard in one hour. I have no objection if I can offer my amendment and speak five minutes.

Mr. FITZGERALD. Is the gentleman's amendment to this paragraph?

Mr. MOORE of Pennsylvania. It relates to coinage.

Mr. FITZGERALD. That is not this paragraph at all.

Mr. GARNER. Regular order, Mr. Chairman!

The CHAIRMAN. The regular order is demanded. Without objection, the gentleman from California [Mr. RAKER] is recognized and will proceed with the debate.

Mr. FITZGERALD. Who objected?

The CHAIRMAN. A gentleman demanded the regular order.

Mr. FITZGERALD. Who was he? I do not think anybody demanded the regular order.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] demanded the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to know if the amendment now pending relates to the mints and assay offices only?

Mr. GARNER. Mr. Chairman, I withdraw my demand for the regular order.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] withdraws his demand for the regular order.

Mr. MANN. Mr. Chairman, may I make an inquiry touching the unanimous consent, whether the amendments which the gentlemen desire to offer—in the main, at least—are to this paragraph, or whether they depend upon this paragraph going out and the amendments being offered subsequently in the bill?

Mr. MOORE of Pennsylvania. My amendment applies when we reach page 64.

Mr. RAKER. Mr. Chairman, I would like to make a statement before the motion is made. This paragraph on page 62, extending from line 13 to line 21, both inclusive, amends by repealing the law relating to mints and assay offices. There are eight assay offices and three mints affected. Could we not have an hour or two hours in which the proposed abolition of these mints and assay offices may be discussed in its main features? Can we not limit debate to two hours, say, and then let amendments come up upon the other matter?

Mr. GARNER. One hour is enough.

Mr. MANN. I suggest to the gentleman from California [Mr. RAKER] to make it 1 hour and 15 minutes.

Mr. RAKER. An hour and a half. I will consent to that. Mr. Chairman, I ask unanimous consent that this paragraph may be discussed for an hour and a half.

The CHAIRMAN. Does the gentleman mean on this paragraph, or the subject matter relating to mints and assay offices?

Mr. RAKER. On the subject matter of the amendment made by me, and which is now pending, to strike out lines 13 to 21, both inclusive, page 62 of the bill.

Mr. FITZGERALD. Mr. Chairman, we can not consent to an hour on this paragraph.

The CHAIRMAN. Objection is made.

Mr. RAKER. Make it 1 hour and 15 minutes on this subject matter.

Mr. FITZGERALD. All right. Let it be 1 hour and 15 minutes.

Mr. CANNON. Mr. Chairman, it seems to me we could proceed under the rules of the House touching five-minute debate and close the debate in less time than would be taken by an hour and a half of debate on this single paragraph.

Mr. GARNER. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman and gentlemen, I have not heretofore taken up any of your time upon this mint question, nor upon any other matters in this bill, so that I think I might at least have the opportunity to put the matter fairly before you. I will ask unanimous consent, Mr. Chairman, that I may proceed for 15 minutes.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. MANN. I will be compelled to object to anybody taking more than five minutes.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. RAKER. Mr. Chairman and gentlemen, the proposed amendment strikes out of the bill, page 62, lines 13 to 21, both inclusive, which read as follows:

All laws or parts of laws authorizing the establishment of coinage mints at San Francisco, Cal.; New Orleans, La.; and Carson, Nev.; and assay offices at Boise, Idaho; Charlotte, N. C.; Deadwood, S. Dak.; Helena, Mont.; Seattle, Wash.; and Salt Lake, Utah, are repealed, to take effect July 1, 1912; but nothing herein shall be construed as abolishing or prohibiting the maintenance of an assay office at San Francisco, Cal.

My first intention was to make the amendment by striking out lines 13 to 21, page 62, and inserting the provisions of the bill introduced by me on April 25, 1912, but this amendment now made will dispose of the entire question and likewise permit of amendment by including the appropriations. That bill is as follows:

Strike out all of lines 13 to 21, both inclusive, on page 62, and substitute the following:

"Mint at San Francisco, Cal.: Superintendent, \$4,500; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk and cashier, at \$2,500 each; bookkeeper, \$2,000; assistant assayer, \$2,200; assistant smelter and refiner and assistant coiner, at \$2,000 each; assistant cashier, \$1,800; assistant bookkeeper, \$1,800; assayer's assistant, \$2,000; deposit weigh clerk, \$2,000; 1 clerk, \$2,000; 1 clerk, \$1,800; 6 clerks, at \$1,600 each; private secretary, \$1,400; 2 clerks, at \$1,400 each; 2 clerks, at \$1,200 each; in all, \$54,300.

"For wages of workmen and other employees, \$155,000.

"For incidental and contingent expenses, including new machinery and repairs, exclusive of that required by the refinery, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, \$40,000; in all, \$249,300."

The mint at San Francisco, Cal., which this bill is seeking to abolish, was established by act of July 3, 1852. This provision in the bill amounts to a repeal of the law relating to these mints and assay offices, and in particular the San Francisco Mint.

I simply call your attention to one fact: That the mint at San Francisco cost the Government in the neighborhood of \$3,130,512.15, a statement found in the Overland Monthly, bound volume 36, pages 559-578. You will find the history of it there. The corner stone was laid May 25, 1870. The building was completed in 1874. It has been running from that time to the present time, and in the last 10 years this mint has been a source of profit to the Government to the extent of \$5,000,000, or in that neighborhood, according to the abstract which I present, clean-cut, above all expenses. This table I wish to insert in the RECORD.

Mint of the United States at San Francisco.
EARNINGS AND EXPENDITURES, 1902-1911.

Fiscal year.	Seigniorage on standard silver dollars.	Seigniorage on subsidiary coinage.	Seigniorage on minor coinage.	Charges for foreign coinage.	Charges for Philippine coinage.
1902.....	\$130,887.20	\$580,504.15	.....	.....	.....
1903.....	609,402.64	220,726.94	.....	.....	\$47,000.00
1904.....	914,103.05	12,891.50	.....	.....	105,805.61
1905.....	427,543.95	.....	.....	\$4,000.00	128,010.36
1906.....	279,523.84	.....	.....	.....	15,945.93
1907.....	918,388.82	.....	.....	91,550.03	77,503.37
1908.....	1,020,075.39	.....	.....	.....	203,187.68
1909.....	304,530.65	\$12,777.43	.....	6,931.70	174,510.39
1910.....	742,580.66	39,242.50	.....	.....	60,836.81
1911.....	452,658.26	58,881.67	.....	8,111.08	20,962.40
Total.....	1,654,392.89	4,959,424.16	110,901.60	107,592.81	833,762.55

Mint of the United States at San Francisco—Continued.
EARNINGS AND EXPENDITURES, 1902-1911—continued.

Fiscal year.	Other charges.	Total receipts.	Total receipts less seigniorage.	Expenditures.
1902.....	\$90,478.00	\$801,869.35	\$90,478.00	\$326,825.50
1903.....	86,954.33	964,083.91	133,954.33	335,532.75
1904.....	102,888.28	1,135,688.44	208,693.89	435,177.23
1905.....	87,524.24	647,078.55	219,534.60	423,234.97
1906.....	52,482.65	347,952.42	68,428.58	284,673.36
1907.....	80,392.84	1,167,835.06	249,446.24	395,237.63
1908.....	99,319.47	1,322,582.54	302,507.15	564,923.69
1909.....	67,177.29	565,927.46	248,619.38	481,687.94
1910.....	74,854.30	917,514.27	135,691.11	364,660.73
1911.....	72,389.97	610,003.38	98,463.45	288,944.04
Total.....	514,461.37	8,480,535.38	1,755,816.73	3,900,997.92

I also call your attention to the statement made in regard to the cost, which I desire to insert in the RECORD.

Statement in regard to cost.

Branch mint, San Francisco, Cal.	Date of act making the appropriation.	Reference to the Statutes at Large.			Amount of annual appropriation.	Year of expenditure.	Expenditure by warrants.	Repayments.	Amount carried to the surplus fund.	Net expenditures.
		Vol.	Page.	Section.						
For establishing a branch mint at San Francisco.....	Aug. 31, 1852	10	96	1	\$300,000.00	1853	\$1,000.02	.....	.....	\$1,040.02
	May 31, 1854	10	292	1	40,000.00	1854	333,528.69	\$10,000.00	.....	323,528.69
						1855	15,431.29	.....	.....	5,431.29
	Aug. 18, 1856	11	83	1	45,000.00	1857	.....	10,000.00	\$10,000.00	.....
	July 2, 1856	13	375	1	300,000.00	1856	28.40	.....	.....	28.40
For purchase of a site and erection of a building for the branch mint.....						1867	100,631.40	.....	.....	100,631.40
						1868	11,320.00	.....	.....	11,320.00
						1869	67,962.71	.....	.....	67,962.71
For continuing the erection and for granite and freestone work.....	Mar. 3, 1869	15	306	1	150,000.00	.....	.....	.....	.....	.....
	Apr. 12, 1870	16	85	1	150,000.00	1870	315,089.36	27,601.97	45,000.00	288,087.39
For continuing the work on the branch mint.....	July 15, 1870	16	296	1	500,000.00	1871	392,533.46	.....	.....	392,533.46
	Mar. 3, 1871	16	509	1	500,000.00	1872	177,818.42	.....	.....	177,818.42
	June 10, 1872	17	353	1	160,000.00	1873	450,499.24	67,840.89	.....	382,658.35
	Mar. 3, 1873	17	524	1	238,349.55	1874	589,105.77	11,796.35	.....	577,309.42
	June 23, 1874	18	228	1	235,842.82	1875	176,705.68	35,000.00	.....	141,705.68
For machinery and apparatus for the branch mint.....						1876	96,869.14	8,000.00	.....	88,869.14
						1877	1,826.92	75.48	.....	1,475.91
						1878	.....	163.66	.....	.....
						1880	.....	111.87	3,792.09	.....
For construction of vault for branch mint.....	Mar. 6, 1882	22	8	1	10,000.00	1882	10,000.00	.....	.....	10,000.00
Total.....					2,629,192.37	.....	2,740,990.50	170,590.22	58,792.09	2,570,400.28

As to the condition of the mint and the condition of its machinery at the present time, I have a telegram from Mr. Edward Sweeney, the superintendent of the mint, stating that the machinery is in splendid up-to-date condition and of the very best. I desire to insert that telegram in the RECORD.

The telegram is as follows:

SAN FRANCISCO, CAL., May 4, 1912.

HON. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

Statement that San Francisco Mint is out of date and has not up-to-date machinery and facilities is absolutely untrue. Machinery for coinage, including rolls, presses, cutting machines, automatic weighing machines, reducing machine, annealing furnaces, brightening apparatus, and balances same as in other mints. Automatic weighing machines, reducing machine, brightening apparatus, and additional presses were recently installed. We have during past year made improvements on the rolls, bringing them to a standard of efficiency which is doubtful any other rolls in the service equal. Report of the work in the coinage department last month on run of gold shows better record than made by this or any other mint of which I have knowledge. This report was forwarded to Mint Bureau May 1. New machinery has been installed as required. We have received this year brightening apparatus of latest design. Equipment here is complete; each machine electrically driven and capable of doing efficient work. As to necessity for maintaining mint, refer you to letter of Director Roberts to Assistant Secretary Andrew, dated February 21, replying to Mr. BURLERSON'S inquiry at hearing upon estimates. This states necessity clearly and forcibly.

EDWARD SWEENEY,
Superintendent United States Mint.

The Director of the Mint, Mr. Roberts, makes in substance to me the same statement. This certainly should settle the question as to the conditions of the machinery, and so forth, and the present condition of this mint.

I also have the statement of the Director of the Mint of date February 21, 1911, which shows the necessity for the mint and shows its earnings in the preceding years to have been in the neighborhood of \$360,000. I call your attention to the fact that this mint is located in the center of a great mining district—Alaska on the north and the great mining States along the coast—as well as in the direct line of importations from foreign countries. The Director of the Mint in his report says it is important that this mint should be maintained there on account of the importance of imports and exports, so as to equalize money values, and that it would be a detriment

to the Government to do away with this mint. While my time is short, I desire to insert this letter in the RECORD, so that it may be read.

The letter is as follows:

FEBRUARY 21, 1911.

DEAR MR. ANDREW: Replying to Mr. BURLERSON'S inquiry at your hearings upon the estimates for information as to what changes would have to be made in the estimates to provide for a discontinuance of coinage operations at the San Francisco Mint and for supplying the territory heretofore tributary to that mint from the Denver Mint, I beg to say:

I assume that the inquiry relates only to the possible discontinuance of coinage operations and that Congress will favor keeping the mint open to receive, assay, buy, and refine gold bullion, and to convert the same into bars suitable for the issue of gold certificates under the terms of the act of Congress approved March 2, 1911. The San Francisco Mint is one of the most important gold-receiving offices of the mint service, ranking second last year, with deposits of \$60,596,665, while the New York assay office was first with deposits of \$73,960,079.81. Both of these offices receive considerable amounts of foreign bullion and coin and are intimately related with our foreign trade. Among the receipts at San Francisco last year was over \$5,000,000 in Japanese gold coin, which signifies a movement in settlement of trade balances. The cost at which gold can be moved from foreign countries to an office of the Treasury and converted into money of the United States sets a limit upon the price of exchange, and thus affects indirectly a much larger volume of trade than is affected directly. When the future possibilities of trade upon the Pacific coast is considered, it seems evident that there should always be an office of the Treasury on the Pacific coast where foreign gold can be received at its assay value.

In this connection it should be remembered that all of the cost of refining or in any way preparing gold bullion for coinage or bars is deducted from the value of the bullion when it is purchased, and that the estimates for the support of the mints for the next fiscal year take no account of the mint charges for refining bullion, which will be turned into the general fund of the Treasury as a miscellaneous receipt. The income from bullion deposited at the San Francisco Mint in 1911 was \$65,003.30.

The estimates for the San Francisco Mint for the fiscal year 1913 provide for the maintenance of all departments, but with gold coinage on a reduced scale, as contemplated by the act of March 2, 1911. The total amount estimated for the coining department in "Wages of workmen" is \$26,000, all of which may be eliminated if no coinage is to be done. An amount estimated by the bureau at \$7,000 may also be taken from "Wages of workmen" on account of other departments, making a total reduction of \$33,000 in this fund. In the salary list the superintendent of the coining department, at \$2,500, and one clerk, at \$1,600, may be dropped. The appropriation for contingent expenses may be reduced by \$5,000. In all, the estimates for the San Francisco Mint may be reduced \$42,000 by suspending coinage operations at that institution.

If, however, the Denver Mint is to supply the silver, nickel, and bronze coinage which in the estimates were allotted to the San Francisco Mint it will be necessary to considerably increase the estimates for the former institution. It is now working with a well-balanced force up to the limit of its capacity for the number of employees, and can not handle more coinage than has already been allotted to it without increasing its force and its expenditures for supplies. It will be observed that of the reductions which may be made at San Francisco only the superintendent of the coining department, a clerk, and possibly one or two foremen belong to the overhead expenditures. All of the rest is for wages of workmen and supplies and can not be reduced without reducing the total coinage of all the mints in a corresponding degree. In other words, there is little to be saved in merely shifting the coinage from San Francisco to Denver, so long as the main organization at San Francisco must be maintained. We must keep the superintendent and the entire force for receiving, melting, assaying, refining, and safeguarding the bullion, including the bookkeeping and clerical force and the care of the building.

The amount of silver, nickel, and bronze coinage contemplated for the San Francisco Mint would not, however, fully occupy the coining department, and possibly would not take more than half its time. It was planned to reduce the force in this department to the lowest effective basis and have it do as much gold coinage as possible, in addition to the small coins. In this connection I think the committee's attention should be directed to the fact that the act of March 2, 1911, does not contemplate a complete suspension of gold coinage. It merely authorizes the Secretary of the Treasury, in his discretion, to issue gold certificates against deposits of gold bullion and foreign gold coin, expressly providing that the amount of gold bullion and foreign gold coin so held "shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding."

On the first day of the current month the total amount of gold certificates outstanding was \$1,035,612,369, of which, under the terms of the act, \$345,204,123 might be in bullion and foreign gold coin, while all of the rest must be in United States gold coin. The reserve at that date consisted of \$935,173,533 in United States coin and \$100,438,836 in bullion. It is therefore possible and also desirable to increase the stock of bullion, but as the deposits of gold bullion at all offices of the service during the last fiscal year amounted to \$175,883,090.44, it evidently will not be possible to completely suspend the coinage of gold for many years unless a further change in the statutes is made. This is the vital fact to be considered in connection with the proposal to close the coining department of the San Francisco Mint. If the coinage of gold is to be resumed within a comparatively short time, there is no advantage in temporarily closing the coining department of that institution. It may as well continue to do a moderate amount of gold coinage from year to year.

If, however, Congress should decide upon this policy, it is estimated that \$18,000 should be added to the "wages of workmen" fund of the Denver Mint, one clerk, at \$1,600 a year, to the salary list, and that \$2,500 be added to the contingent fund. The difference between these additions to the Denver estimates and the subtraction from the San Francisco estimates would represent the expenditures upon gold coinage if operations were continued at San Francisco.

There are still other features of the case to be considered, to wit:

First. The San Francisco Mint does a considerable amount of coinage for the Philippine Islands. It is now a diminishing quantity, but for the last fiscal year the charges collected amounted to \$20,962.40. At the existing express rate on coin from Denver to San Francisco the charges on these coins, if shipped by express from Denver to San Francisco, would have been \$7,977.25. While this additional expense would not come out of the United States Treasury, it is entitled to consideration. The Philippine Government would probably find it advantageous to have its coinage done at a foreign mint rather than pay the high inland transportation charges.

The San Francisco Mint was in receipt last year of \$5,111.08 for coinage done for Salvador, which might not have been done in this country if inland transportation charges were added to the cost. The total earnings of the San Francisco Mint last year for coinage done for other countries were \$26,073.48.

Second. The average annual coinage of the San Francisco Mint in subsidiary silver coin for the last 10 years has been a little above \$1,000,000, all of which has gone into circulation upon the Pacific coast and indicates about the absorption of that region. The cost of transporting \$1,000,000 in subsidiary silver coin from the Denver Mint to the San Francisco Subtreasury at the existing express rate would be \$9,000. These charges are paid from the appropriation for contingent expenses of the Independent Treasury, and as the estimates for that appropriation were made without contemplating this item, they should be correspondingly increased if the expenditure is to be incurred.

The amount of nickels and bronze cents used on the Pacific coast has in former years been small, but is rapidly increasing. For the last fiscal year the amount of these coins which was delivered at the San Francisco Subtreasury for distribution on the coast if shipped from Denver would have involved express charges aggregating \$5,583.50. Altogether the express charges from Denver to San Francisco on last year's coinage for the Philippines and for small coins for the Pacific coast would have amounted to \$22,560.75. These computations are made at existing rates. It is probable that some reduction could be obtained upon them if the Treasury was ready to enter into a contract for the carriage of considerable sums over a period of time. It is also to be considered, on the other hand, that the absorption of the small coins on the Pacific coast is likely within a few years to largely exceed the average for the last 10 years.

Finally, it is to be considered that if the coining department is shut down the machinery is likely to deteriorate, and of course the organization of skilled workmen must go. With a full desire to cooperate with the committee in all efforts to eliminate unnecessary expenditures, I am moved to urge that no action be taken in haste that will impose great hardship upon a force of trustworthy and deserving employees. Most of these men have spent years in acquiring skill which makes them valuable to the Government, but the trade is not one in which they can find employment elsewhere, and even if no consideration be given to employees who have handled billions of dollars' worth of treasure with scrupulous fidelity, it will not pay as a matter of common business policy to close the coining department temporarily and scatter a force of men whose integrity and skill have been tested only to reopen it in a short time. Men are not trained for this work anywhere but in the mint service.

The policy of the service has been planned with a view to economy on a permanent basis. The discontinuance of assay offices has been recommended on the ground that there is no longer the occasion for them that originally existed. Changes have been recommended in the mint or-

ganizations simplifying them and effecting greater flexibility in the working force. The number of mints has been reduced to three—two of which are conveniently located to receive bullion direct from producers. The Philadelphia Mint, although not directly related to any bullion-producing district, is well located for the manufacture and distribution of the subsidiary and minor coins. The New York Assay Office will receive the gold bullion coming into the country on the Atlantic coast and convert it into bars. It is the policy of the Treasury to fill orders for coin from whichever mint they can be shipped at the lowest transportation charge, whether the charge is paid by the Treasury or consignee. This gives the bulk of the small coinage to the Philadelphia Mint, but an important share goes to the Denver Mint. The San Francisco Mint has a much smaller tributary population, but it is so important an institution in gold receipts and in probable relation to foreign trade with that coast that the bureau has never contemplated closing it and can see no economy in closing one department. With continually increasing demands tributary to it we might expect that there would be constant agitation to resume coinage operations, and that this would eventually be done. In that case nothing would have been gained by the suspension and grave and unnecessary injury would have been done to the employees.

This letter has gone into details in order that the committee may be fully informed as to all the facts which have influenced the policy of the department in making up the estimates.

Respectfully,

GEORGE E. ROBERTS,

Director of the Mint.

I want to call your attention to page 15 of the report of the Director of the Mint, showing that there was coined in San Francisco in 1911 \$59,797,120. The entire coinage in the San Francisco Mint since it was established in 1854 has been \$1,834,172,558.65. From 1793 down to the present time the mint at Philadelphia has only coined \$1,893,825,275.64, an excess of only \$59,652,716.99 over the San Francisco Mint, although it has been in existence 61 years longer. The mint at New Orleans from 1838 to 1909 has coined \$298,660,707.60. The mint at Denver since its organization in February, 1906, to December 31, 1910, has coined \$151,408,500.

Now, with a coinage of over \$1,800,000,000 since it was started, with a profit of nearly \$5,000,000 to this country in 10 years—1902–1911—with the magnificent building in proper condition, with the machinery latest improved and up to date, I say this mint should be retained. This is the largest mint in the world, as well as being ideally located on the Bay of San Francisco, accessible to all the great mining country. This building stood the earthquake and fire at San Francisco when all the other buildings within the fire limits were either injured or destroyed. This House should not do what the great earthquake and fire of 1906 could and did not do. It would be a legislative crime. This building alone stood the ravages of the fire and the earthquake.

In view of all these facts I ask you, Is it not right and proper that this mint should be retained at this place?

In regard to the necessity for the mint, I desire to call attention to a few statements. First, it is in the center of the great mining district of the Pacific coast; second, it is available to the Alaskan gold fields; third, it is in direct communication with the Orient; fourth, for many other reasons it should not be abolished; fifth, the employees who are faithful and true should not be thrown out after many years of service. It is an historic building. Massive and grand. Built of granite and sandstone. The native sons and daughters implore you not to destroy it. The entire mining population of the Pacific slope join in this request by letters, telegrams, resolutions, as well as personally. In fact there is a universal demand for the retention of this "landmark." The largest mint in the world. Up to date in all respects, and absolutely necessary from every point of view. It is not in the line of economy, but would be extravagance and destruction of property and a material loss to this Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent for five minutes more.

Mr. MANN. Mr. Chairman, reserving the right to object, I will say to the gentleman that we have been notified that the House will stay in session until this bill is passed to-day, and there are a lot of other controverted items in the bill which I think ought to have some hearing. For that reason, I give notice now that I shall object to extensions of time, and I do object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer as a substitute for the pending motion the following amendment.

The CHAIRMAN. The gentleman from Washington offers as a substitute for the amendment offered by the gentleman from California the following, which the Clerk will report.

The Clerk read as follows:

Page 62, commencing at line 13, insert:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, \$2,250; assistant assayer, \$1,500; chief clerk, \$1,600; clerk, \$1,000; in all, \$6,350.

"For wages of workmen and other employees, \$6,200.

"For incidental and contingent expenses, \$3,000.

"Mint at New Orleans, La.: Assayer, who shall have general charge of the institution as under section 3560, Revised Statutes, and who shall be a practical assayer, \$2,500; assistant assayer, \$1,500; chief clerk, who shall perform the duties of cashier, \$1,500; 3 clerks, \$1,200 each; assayer's assistant, \$1,200; in all, \$10,300.

"For wages of workmen and other employees, \$7,500.

"For incidental and contingent expenses, \$3,500.

"Mint at San Francisco, Cal.: Superintendent, \$4,500; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk, and cashier, at \$2,500 each; bookkeeper, \$2,000; assistant assayer, \$2,200; assistant melter and refiner, and assistant coiner, at \$2,000 each; assistant cashier, \$1,800; assistant bookkeeper, \$1,800; assayer's assistant, \$2,000; deposit weigh clerk, \$2,000; 1 clerk, \$2,000; 1 clerk, \$1,800; 6 clerks, at \$1,600 each; private secretary, \$1,400; 2 clerks, at \$1,400 each; 2 clerks, at \$1,200 each; in all, \$54,300.

"For wages of workmen and other employees, \$155,000.

"For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, melter and refiners' wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, \$40,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, \$2,250; assistant assayer, \$1,600; chief clerk, who shall also perform the duties of cashier, \$1,500; assayer's assistant, \$1,500; 1 clerk, \$1,200; in all, \$8,050.

"For wages of workmen and other employees, \$3,540.

"For incidental and contingent expenses, \$2,500.

"Assay office at Charlotte, N. C.: Assayer and melter, \$1,400.

"For wages of workmen and other clerks and employees, \$750.

"For incidental and contingent expenses, \$400.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, \$2,000; clerk, \$1,200; assistant assayer, \$1,600; assayer's assistant, \$1,400; in all, \$6,200.

"For wages of workmen and other employees, \$2,300.

"For incidental and contingent expenses, new machinery, etc., \$1,500.

"Assay office at Helena, Mont.: Assayer in charge, \$2,500; chief clerk, who shall also perform the duties of cashier, \$1,800; clerk, \$1,600; clerk, \$1,400; assistant assayer, \$1,700; assayer's assistant, \$1,400; in all, \$10,400.

"For wages of workmen and other employees, \$6,500.

"For incidental and contingent expenses, \$3,250.

"Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, \$2,750; assistant assayer, \$2,000; chief clerk, who shall also perform the duties of cashier, \$2,000; 1 clerk, \$1,700; 2 clerks, at \$1,600 each; clerk, \$1,400; in all, \$13,050.

"For wages for workmen and other employees, \$22,000.

"For incidental and contingent expenses, including rent of building, \$6,500.

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, \$2,500; assistant assayer, \$1,600; chief clerk, who shall also perform the duties of cashier, \$1,600; *Provided*, That the chief clerk shall perform the duties of assayer in charge in his absence; clerk, \$1,400; in all, \$7,100.

"For wages of workmen and other employees, \$4,500.

"For incidental and contingent expenses, \$3,500."

Mr. HUMPHREY of Washington. Mr. Chairman, the purpose of offering this amendment is so that the whole matter may be brought before the House at one time. It includes the existing law in reference to these assay offices and mints that have not been appropriated for in the pending bill. The adoption of this amendment will restore all these and give each the appropriation it has in the present law.

I understand that the committee in refusing to make appropriations for these offices have done so upon the ground of economy. I want to call the attention of the committee first to this fact, that these seven assay offices that it is proposed to abolish cost about \$100,000 a year, while it costs over \$610,000 a year to maintain the mints that are left in the bill. The mint at Philadelphia alone last year cost over \$400,000 more than it repaid to the Government. If the committee wants economy, there is the place to go, and not to these assay offices. Under the law passed at the last session of Congress we no longer have to coin all our gold, and the necessity for the mints has largely disappeared, for now gold certificates are issued upon gold bullion. Why not abolish the costly, unnecessary mint and keep the cheap and necessary assay office?

I will speak of the assay office at Seattle and leave other gentleman to speak of other offices. It cost the Government \$19,000 last year over and above expenses to conduct the assay of about \$12,000,000 worth of gold. It costs \$1.25 per thousand to refine this gold at Seattle. It is proposed to take this gold to San Francisco and refine it for nothing, thereby bringing about a great saving to the Government. Just how the committee and the Director of the Mint can figure out how they can save money by doing for nothing at San Francisco what they charge for doing at Seattle is beyond the comprehension of the ordinary mind. There may be reasons for making this change, but economy is not one of them. The office at Seattle was established for the people of Alaska. It was found that this was a more convenient location for the gold of Alaska than if the office was placed in that Territory. If you abolish that office all the gold that comes out of Alaska is compelled to go a thousand miles farther to San Francisco. It must be remem-

bered that all Alaskan gold passes through Seattle. There are no regular lines of steamships running to Alaska from this country except from Puget Sound. Why, then, should not this gold be refined in Seattle, where all of it must come before it can go elsewhere? A new assay office has been established at Vancouver, British Columbia, and if the office at Seattle is abolished it will send much of the gold of Alaska into that country. Since the office at Seattle was established it has received over \$200,000,000 in gold. If you abolish that office, within the next 10 years we will probably turn \$200,000,000 of Alaskan gold into British Columbia. Can we for the paltry sum of \$19,000 per year afford to do this? The Director of the Mint, Mr. Roberts, meets that statement, as I understand, with the assertion that it does not matter, that the money will get to New York anyway.

In this statement he reveals the real reason for wanting to abolish these western offices. He wants to concentrate the gold of this country in New York. If this is a good thing for the country, why does not the director say so, and not pretend that it is economy that influences him in asking the destruction of these offices? Who is benefited by sending Alaska gold to the assay office at San Francisco? The Wells, Fargo Co. carries the gold from Alaska to San Francisco, and the Selby Smelting Co. refines the most of it after it gets there. Then the Wells, Fargo Co. carries it back to Seattle or to Denver. The express company and the refining company are all one and the same company. They are all included in what is known as the Guggenheim interests, and I do not say that in a prejudiced or antagonistic spirit. I simply state the fact. And these interests are the only ones on the Pacific coast that will benefit by the abolition of the assay office at Seattle.

Its destruction will not decrease the expenditures of the Government. It will injure the gold producer of Alaska. It will tend to send the money to Vancouver. It will injure the business interests of the great Northwest. This Nation ought not to throw its influence against the Northwest States in this manner and in favor of British Columbia, and I do not believe that Congress will do it.

I trust that the motion I have submitted as a substitute will prevail, because it will be a futile thing for the House to refuse to appropriate for these offices. We may strike it out here. It will go to the other end of the Capitol and there be reinserted. Some Members here may be able to make a little political capital for themselves, but it will be at the expense of some of the other Members of the House. I do not think that anyone doubts that as the bill is finally passed these offices will be restored. Then why not do it here instead of in the Senate?

All this supposed showing that abolishing these offices is in the interest of economy is simply one of bookkeeping and not of fact. This Government can not save money by doing at the mints for nothing what it compels the gold producer to pay for having done at the assay offices. The object in abolishing the assay offices is not one of economy, but to concentrate the gold of this country at certain points in favor of certain interests. This may be a good thing, but if so, the department has not shown it. Let the Director of the Mint give to us his real reason instead of coming here with his pretense of economy.

As it is impossible in five minutes to go thoroughly into the discussion of this matter, I will insert some editorials, resolutions, and other communications I have received that will show the attitude of the commercial bodies, the press, and the people upon the subject.

The matter referred to is as follows:

[Editorial from the Seattle Post-Intelligencer of Apr. 25 last.]

SAVE THE ASSAY OFFICE.

Seattle should awake to the importance of holding the assay office here. It is of importance not alone to Seattle, but to the Pacific coast and the intermountain section. A majority of the House Appropriations Committee favors the abolition of the office, and if money for its support be not forthcoming it will cease to exist at the close of the fiscal year, June 30.

Canada supports an assay office at Vancouver, and the twenty-odd millions of gold now coming here for refining purposes would be diverted to that port and into private channels.

A pending proposition to abolish the San Francisco Mint indicates a disposition at Washington to remove every agency on this coast for the deposit of bullion.

Seattle was chosen as the site of an assay office in 1898 because of its situation as the supply point of the Alaskan gold fields, and the logic prevailing then is all the stronger now. But a Democratic Congress, practicing much short-sighted economy as the campaign approaches, is not likely to see the folly of the action affecting this territory unless Seattle and the entire coast enter a prompt and emphatic protest, based upon the facts and demands of the situation.

The chamber of commerce presents the case convincingly in a statement printed to-day, and the advice of President Lowman should be acted upon promptly and vigorously.

[Editorial from the Seattle Daily Times, May 3, 1912.]

"PENNY WISDOM" AND THE ASSAY OFFICE.

Congress, in its wave of economy, has shown itself to be decidedly penny-wise. The Committee on Appropriations seeks at one fell swoop to abolish the mints at San Francisco, Carson, and New Orleans, like-

wise to destroy the assay offices at Seattle, Boise, Helena, Deadwood, Salt Lake, and Charlotte, N. C.; to disable permanently the newly created Commerce Court; to reduce the salary of the Secretary of the President from \$7,500 to \$6,000 a year; and to discontinue the Bureau of Manufactures in the Department of Commerce and Labor.

If there could be the slightest excuse for killing the Seattle assay office, the committee has failed to give it. Instead it has admitted the need for retaining this most useful and valuable adjunct of the Government service.

The admission comes about in a peculiar way. It will be noted that the committee has leveled one of its deadly shafts at the San Francisco mint, and it would seem that by way of reimbursement to the Golden Gate for that injury the committee would have an assay office established there.

So! Then there is necessity for an assay office on the Pacific coast. Every coast man familiar in the least degree with the never-ceasing influx of gold from the mines of the North recognizes that need, and, further, everybody knows that Seattle, the point of arrival and departure of ships in the Alaska trade, is the place where the gold comes.

Hence it is incontestable that Seattle is the logical location for the assay office. Why destroy the institution here in order to establish another in San Francisco? The entire suggestion smacks of a rank political deal in which Seattle is to be plundered in order partially to appease San Francisco for the loss of the mint.

The warfare on the Seattle assay office has continued for months. At first it took the form of prohibitive charges, and now the mask has been torn aside and the true character of the assault disclosed. Seattle is to be robbed in order that San Francisco may be pacified—that is, if Seattle will sit idly by and permit it.

But Seattle will do nothing of the kind. Congress has admitted that an assay office is a necessity. Then why plunder this city? Why rob Peter to pay Paul?

In rebuking the stupid "economy" that would do this thing, and also let the Commerce Court die from lack of funds, Seattle ought also to take notice of the clear intent to embarrass and cripple the Department of Commerce and Labor by withholding the appropriation for the Bureau of Manufactures.

This is the bureau under which Mr. Lovett M. Wood, of Seattle, has done remarkably good work in his tour of the Orient. Other commissioners have been laboring in other parts of the world, all of them intent on an intelligent expansion of American trade. To destroy this branch of the service is worse than idiotic, it is a form of commercial suicide.

There are strange things in Washington, D. C. Two instances are those just cited—the bare-faced attempt to remove the Seattle assay office to San Francisco and the indifference to the needs of a growing commerce. In each case the follies of Congress are striking a hard blow at Seattle.

Prompt work is necessary. Congress ought to be brought to its senses at once.

[From the Seattle Post-Intelligencer, May 3, 1912.]

KILLING THE ASSAY OFFICE.

The people of this State of Washington, and more particularly the people of Seattle, can arrive at a fair understanding of what Democratic success in the national election next fall would mean to them by considering the action of the Democratic House in seeking to deprive Seattle of its assay office through the expedient of omitting all appropriations for that office from the bill as it passed the House. There is a bare chance that the provision may be restored in the Senate. But it must be remembered that in the Senate there are a considerable number of the so-called progressives who act usually with the Democrats. If the Senate were safely Republican, the provision might be restored. There is only a chance for it now. That chance, of course, can be improved if every friend of Seattle exerts all of the influence which he can command to secure a retention of the provision.

The Democrats are playing politics. They are trying to make a record for economy. They will not follow the pathway pointed out by President Taft through which there could be a permanent reduction of some \$12,000,000 a year in the expenditures of the departments at Washington. They prefer such economies as cutting off the appropriation for the support of the efficiency commission which has shown the way through which millions could be saved.

They prefer also such "economies" as cutting off the appropriations for the Seattle assay office through which some thousands of dollars can be saved to the Federal Treasury to the damage of Seattle in hundreds of thousands of dollars and to the laying of heavy additional costs upon the miners of Alaska in selling their gold.

And if the Democrats should control both Houses of Congress and the Presidency more "economies" may be expected such as this one and the further economy of cutting down the appropriations for the protection of the Government forests in this State from fire which has been put into effect.

MINING MEN'S CLUB,
Spokane, Wash., May 4, 1912.

HON. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR SIR: Herewith please find certified copy of resolution which was unanimously adopted at meeting of the Mining Men's Club, protesting against the closing of western mints and assay offices. Your assistance in defeating such a measure will be highly appreciated by the Spokane Mining Men's Club and all western mining sections.

Yours, very truly,

W. W. GIFFORD, Secretary.

Attention of the Spokane Mining Men's Club being called to the recommendation of the Congressional House Committee on Appropriations as reported by the Associated Press May 1-2, 1912, in which it was recommended to abolish the mints at San Francisco, New Orleans, and Carson City, and the assay offices at Boise, Charlotte, Deadwood, Helena, Seattle, and Salt Lake City, the following resolution was unanimously adopted:

Whereas the closing of the mints and assay offices as recommended by the Congressional House Committee on Appropriations of the present Congress will drive the products of the mines to the East for refining and manufacture, will reduce the margin of profit to the producer, discourage manufacture in the West, curtail the use of silver as money, prevent the operation of mines where the margin of profit is already small, discourage the prospector and miner, reduce the mineral production thereby and prevent the extraction of much of the

low-grade ore which will become a total loss to the Nation, demoralize western industry and activity, and unfairly discriminate against the West:

Resolved, That the members of this club are opposed to the suggested legislation as to mints and assay offices, and hereby urge the Members of both Houses of Congress to carefully analyze the proposed measure and oppose it in fairness to those sections of the country to be affected and upon the broader principle that it will prove harmful to the Nation.

Adopted by the Mining Men's Club at Spokane, Wash., May 2, 1912.
L. K. ARMSTRONG, President.
W. W. GIFFORD, Secretary.

JUNE 27, 1911.

HON. FRANKLIN MACVEAGH,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I have been informed that you have directed that the charges at the assay office over and above the mint charges be increased from one-eighth to one-fourth of 1 per cent. It is my understanding that this is done under the authority conferred by section 3524 of the act of June 22, 1874. It appears that this doubling of the charges was made so as to compel Seattle to comply with the provisions of the statute as you interpret it. But it is significant that no attempt is made to compel the other offices to comply with your interpretation of the law. In other words, you propose to compel the Seattle office to bear the expense made necessary by such office, but you intend that the Government shall bear a portion of the expenses made by the other offices in the country.

It seems to me that you penalize the Seattle office because it has done well. You reverse the rule of Holy Writ, and say substantially to the good and faithful servant that "I will take from you the 10 talents and give them to the wicked and slothful servant that has the 1 talent." Seattle is the only office that has ever paid its own expenses, at least of recent years, and now, because it has fallen below this amount, you propose to increase the cost; but why did you not apply this rule to other offices heretofore? A glance at your report will show that it costs less now, and has always cost less, at the assay office in Seattle than at any other in the United States. You either have or have not some discretion in the fixing of these charges. If you have any discretion, why should you place an additional burden upon the Seattle office, when it has always come nearer paying its expenses than any other?

This additional burden means in reality an additional hardship upon the Alaska miner, who will now be compelled after reaching the United States to travel a thousand miles, pay this additional penalty, or sell his gold in a foreign country.

Your attitude, I suggest in all courtesy, is not just, nor do I believe that it is legal. If you feel that the statute must be complied with, then I insist that it shall be enforced against each of the offices and not against Seattle alone. The wording of the statute is "The actual average cost of each mint and assay office" shall be charged against such office and not the average cost of all the offices combined. For illustration, why should the Government pay nine-tenths of the cost of maintaining the office at Charlotte, N. C., and then insist that it would pay no part of the cost of conducting the office at Seattle? I again insist that such discrimination is entirely unwarranted either by the facts or by the law. It does seem to me that it is especially inopportune that this action should be taken just at this time when the people of Alaska, by the stupidity of Congress, the neglect and failure of the departments, and the attitude of the Executive, have already sufficient reason to feel that they have been most grievously treated and neglected.

This order should be vacated; but if you insist on enforcing the law, then I insist that it be enforced without favor and that each office be compelled to bear its own expenses. The ruling that you have made is so unfair to the Seattle office and, in my judgment, so unwarranted under the law that if it is adhered to, much as I should regret it, especially in this time of general distrust and hysteria, I shall feel compelled to introduce in Congress a resolution of inquiry asking as to the reasons for such ruling.

Sincerely, yours,

W. E. HUMPHREY,
Member of Congress.

SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., July 7, 1911.

HON. WILL E. HUMPHREY,
House of Representatives, Washington, D. C.

MY DEAR MR. HUMPHREY: Referring to telegraphic correspondence regarding the increased charges at the Seattle assay office, I am attaching herewith for your information memorandum that was presented by the officers of the chamber before the conference committee of various organizations called to consider the situation. This probably will contain some exact data and details which you may not have already in your possession.

Yours, very truly,

C. B. YANDELL, Secretary.

The increase of the minor assay charge from one-eighth to one-fourth of 1 per cent will put the Seattle assay office out of existence. Seattle has found it hard to compete with San Francisco at the differential charge of one-eighth of 1 per cent, which, with changing conditions, such as shipments of bullion by registered mail from Alaska at same rate to either Seattle or San Francisco has gradually diverted more and more of Alaska gold from Seattle to San Francisco. The express rate from Fairbanks to Seattle is \$5 per thousand and \$5.50 to San Francisco, 50 cents difference, which leaves \$2 in favor of San Francisco on express shipments from Fairbanks. The local express rate, Seattle to San Francisco, is \$1.50 per thousand; even the local bullion can be sent to San Francisco at a profit to the owner.

It is the desire of the Director of the Mint that all minor assay offices be made self-sustaining, if possible, and for that reason the assay office charge is increased to one-fourth of 1 per cent. If the office could retain its present share of the Alaska output of gold it would be just about self-supporting, and would return to the Government Treasury in charges collected an amount about the same as appropriated yearly by Congress for its maintenance; but as shown above, the increase in charges will not increase the earnings, but will decrease the receipts; in fact, the increased differential charge will prove so great a handicap that there will remain no occasion for the maintenance of an office in Seattle.

The effect on Seattle, if the assay office closed and the Alaska gold goes to San Francisco, will be that the northern trade and banking business will go with it, or the Alaska miner pays an added tax to

get the proceeds of his gold from San Francisco to Seattle, a charge on San Francisco exchange.

The position of the Seattle office is different from the other assay offices; they afford the miner the means of disposing of his gold only; while it also performs the same duty, it also gives him credit where he needs it, where he purchases his supplies.

San Francisco can fulfill the same duties for the Alaska miner, but it is burdening him with an additional 800 miles of transportation on supplies.

If it is the intention to view the operations of minor assay offices not from the standpoint of convenience or stimulus to an industry such as postal service which treats all sections of the country alike regardless of differences in cost of operations in the various localities, nor in the nature of a tariff imposed on the people at large to protect and foster some particular industry, but from a strictly business standpoint of self-support, then it should be extended throughout the whole mint service.

Reviewing the report for the fiscal year, 1910, issued by the Director of the Mint, I notice that neither the New York assay office nor any of the mints are self-supporting, and all operated at a loss, and find that during the year the New York office received fifty-eight and a half millions in bullion its expenditures were \$139,000, earnings \$49,000, net cost to Government to operate \$90,000; the Philadelphia Mint received twenty-four millions in bullion, including twenty millions from Government assay offices; its expenditures were \$594,000, earnings \$3,756,000; included in these earnings are \$3,575,000 seigniorage on subsidiary and minor coins, leaving an actual operating earnings of \$281,000; a loss to the Government of \$313,000 exclusive of profits by seigniorage. The San Francisco Mint received forty-two and one-half millions in bullion, seven and one-half millions of same coming from Government assay offices; its expenditures were \$364,000, and earnings, including \$781,000 seigniorage on subsidiary and minor coins, was \$917,000; exclusive of the seigniorage the actual operating earnings were \$136,000, showing a loss to the Government in operations of \$228,000, exclusive of gains on seigniorage.

The Denver Mint received twenty-two millions in bullion during the year, including seven and one-half million from Government assay offices; the expenditures were \$181,000; the earnings, including \$25,000 seigniorage on subsidiary coins, was \$99,000; exclusive of seigniorage the actual operating earnings were \$74,000, showing a loss to the Government in operations of \$107,000 exclusive of gains by seigniorage.

The Seattle office during the year received \$12,000,000 in bullion; expended \$42,000 and earned \$19,000, showing a loss in operations of \$23,000. The assay office charge of one-eighth of 1 per cent imposed at Seattle, in addition to the regular mint charges, has always been regarded as a transportation charge to offset the cost of subsequent transportation of bullion from the assay office to the mint for coinage.

At the last session of Congress an act was passed removing the necessity to coin all bullion and foreign gold coin purchased at the various mints and assay offices. The removal of the necessity to coin bullion consequently removes the necessity of sending bullion from the assay office at Seattle to the mint at Denver or San Francisco for coinage, at least for a long time to come, as per the director's report it is shown that there are one and one-half billions of gold coin in the country now—nine hundred and forty millions in the United States Treasury, two hundred and twenty-two millions in national banks, and balance in other banks and in circulation. The gold might just as well be stored in Seattle as San Francisco, Seattle being nearer to its source, and the present differential charge removed.

The retention of the bullion at Seattle and New York assay offices, instead of shipping to the mints as heretofore, as was necessary to be coined in accordance with coinage laws, would effect both a saving in transportation charges to the Government and also reduce the expenses of operations at mints to which same has heretofore been sent. You will notice that, included in receipts of mints mentioned in the foregoing, thirty-five millions was bullion sent to them after being operated on by an assay office; the bulk of this amount came from New York and Seattle—about twenty-eight millions of it.

In event of future transfers of gold by the Government from one institution to another, it can be done as cheaply from Seattle as from San Francisco. In view of the recent act of Congress referred to above, which permits of curtailment in gold coinage, and for the reasons already stated, the Seattle office should be raised to the same classification as that at New York by removing the minor assay-office charge of one-eighth of 1 per cent or one-fourth of 1 per cent, and, if the Government desires the bullion stored at Seattle to be in the shape of fine bars as a medium of exchange rather than in unparted bars, as at present, this can be accomplished by adding a refinery to the present plant. Charges imposed at mints and assay offices are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, as provided by section 3524 of the Revised Statutes.

This agitation for a mint should be stopped at once, as it only weakens our position and jeopardizes our chances of getting anything at all. If anything is to be asked for in addition to present plant, ask for a refinery; that would give Seattle an institution similar to New York. An additional mint is unnecessary, for the following reasons: The country already has enough mints to coin all the bullion that will be presented for purchase; the recent act of Congress, already referred to, permits of coinage only when necessary. As above stated, there is one and one-half billions of gold coin in the country; above one billion of this is in Government Treasury, a quarter billion in national banks, and the balance in other banks and in circulation. Comparing the amount in circulation with that in national banks and United States Treasury, it will be seen that further coinage of gold coin will not be necessary for a long time. Then the demand for paper money is increasing, which means less coin for circulation. It would seem that eventually the Government will become the depository of the Nation's metallic wealth, using gold certificates against it instead of gold coin. All this tends to curtail operations at Government institutions as to gold coin; subsidiary and minor coin, medals, etc., will continue to be made, but fine gold bars will take the place of gold coin as a medium of exchange. Fine gold bars are manufactured in a refinery, as at New York, and it is not necessary to have the full mint equipment to make same.

Assay office at Carson	\$15,550
Assay office at Salt Lake	15,100
Assay office at Boise	14,090
Assay office at Deadwood	10,000
Assay office at Charlotte, N. C.	2,900
Total for mints and assay offices	1,093,840
Bureau of the Mint	34,280
Transportation charges on bullion and coin between mints and assay offices	50,000
Total for mint service	1,178,120

It does not cost the Government the full amount appropriated to maintain the mint service, as there is a material refund to the Treasury by the earnings of the various institutions.

Reference to the following table will show that the institution maintained at the greatest net cost to the Government is the mint at Philadelphia.

Operations for the fiscal year ended June 30, 1910 (last report received).

PHILADELPHIA MINT.

Received twenty-four millions of gold bullion; twenty millions of this amount came from United States assay offices.

Expenditures	\$594,000
Earnings	\$3,756,000
Seigniorage, included in above	3,575,000
Actual earnings	181,000
Net cost to Government	\$413,000

SAN FRANCISCO MINT.

Received forty-two and one-half millions in bullion, seven and one-half millions of this coming from United States assay offices.

Expenditures	\$364,000
Earnings	\$917,000
Seigniorage, included in above	781,000
Actual earnings	136,000
Net cost to Government	228,000

DENVER MINT.

Received twenty-two millions in bullion, seven and one-half millions of this coming from United States assay offices.

Expenditures	\$181,000
Earnings	\$99,000
Seigniorage, included in above	25,000
Net earnings	74,000
Net cost to Government	107,000

NEW YORK ASSAY OFFICE.

Received fifty-eight and one-half millions of bullion.

Expenditures	\$139,000
Earnings	49,000
Net cost to Government	90,000

SEATTLE ASSAY OFFICE.

Received twelve millions in bullion.

Expenditures	\$42,000
Earnings	19,000
Net cost to Government	23,000
Actual cost for maintenance	\$61,000

The mint at San Francisco is located in a mining district, and during the fiscal year 1910 received \$33,000,000 in gold bullion from producers, as already shown. The mint at Denver is also located in a mining district, and during the year 1910 received \$14,500,000 in gold bullion from producers. The mint at Philadelphia is not located in a mining district, and during the same period received only \$4,000,000 in gold bullion in original deposits. The mints at San Francisco and Denver afford producers a means of disposing of their product and receiving quick returns, a very necessary thing when proceeds are required for pay rolls, etc.

The Philadelphia Mint does not help the mining industry, is only eighty-odd miles from New York Assay Office, which meets the eastern needs, and the cost for its maintenance, \$400,000 annually, equals the combined cost of maintaining the mints at San Francisco and Denver and the assay office at New York. The eight assay offices that it is proposed to discontinue afford the same privileges and meet the needs of the mining industry in their respective zones, as do the mints at San Francisco and Denver. The net cost to the Government to maintain these eight assay offices, which it is desired to discontinue, is slightly in excess of \$100,000 per annum, one-fourth the cost to maintain the Philadelphia Mint.

The principal gold-producing districts in this country are California, Colorado, Alaska, and Nevada. The first three produce about \$20,000,000 each annually in gold and Nevada about \$15,000,000. The other gold-producing sections of importance are South Dakota, Utah, Montana, Arizona, and Idaho, in the order named, varying from one and a half to six million dollars in gold annually. These, at present, are all provided with Government institutions for the purchase of their gold output except Arizona. The product of Arizona is of a character such as requires custom smelter and refinery treatment for extraction before it is suitable for purchase by the Government, so that an assay office is not necessary.

California has a purchasing institution in the mint at San Francisco; Colorado a mint at Denver; Nevada an assay office at Carson; South Dakota, assay office at Deadwood; Utah, assay office at Salt Lake City; Montana, assay office at Helena; Idaho, assay office at Boise; and Alaska, assay office at Seattle. Owing to the widely separated mining districts in Alaska it was impossible to locate a Government assay office for the purchase of gold in Alaska, and as Seattle is the natural supply point for Alaska and therefore the place where the credits for proceeds of bullion shipments are required for payment for its supplies, that point was naturally selected for an assay office site as the most advantageous for Alaska needs. Even with the assay office at Seattle, the Alaska gold has not been marketed as cheaply as elsewhere, for ever since the installation of the Seattle office the Government has imposed there an extra charge of \$1.25 per thousand dollars on bullion purchases, which is not imposed at any United States mint, nor at the New York Assay Office. This, with large express charges on bullion from Alaska, varying from \$4 to \$10 per thousand dollars, entails a heavy burden on Alaska mining operations. It would seem in view of the high express rates from Alaska the Government should remove the extra charge of \$1.25 per thousand dollars now imposed at the Seattle office, and thus, as much as possible, relieve the Alaska miner of part of the expense of disposing of his product; this would be granting only the same privilege to the Alaska producer as is now afforded the producers in California and Colorado, where the extra charge is not imposed. It is true this extra charge is imposed at all the other assay

offices except New York, but they are all located near their respective mining districts and the cost of transportation to the producer is small as compared to that on the Alaska gold. From the viewpoint of economy in the mint service, solely, it would appear more reasonable to discontinue or curtail the coining operations at the various mints in the service, for which there is little need, rather than discontinue the various assay offices for which there is a decided use.

As already shown, it costs the Government \$400,000 annually—about one-half the total expenditure for mints and assay offices—to maintain the Philadelphia institution, whose sole use is for coinage; about the same amount to maintain the New York Assay Office and the mints at San Francisco and Denver, and about one-fourth the amount to maintain all the assay offices. It is now desired to discontinue and which serve the various mining districts not taken care of by the San Francisco and Denver institutions.

There is at present \$1,500,000,000 gold coin in this country, of which \$1,000,000,000 is in the United States Treasury, \$250,000,000 in national banks, and \$250,000,000 in other banks and in circulation. This vast amount will meet all demands for a long time to come. Further, an act passed by Congress last March removed the necessity for coining all bullion and foreign gold coin purchased at Government institutions, permitting the issuance of gold certificates instead of gold coin for the payments of such purchases. This greatly decreased the need of mints for coinage purposes solely. Prior to the amendment to the coinage law it was necessary to coin all gold bullion and gold coin purchased at Government institutions, whether coin was needed or not, which created work for coinage mints that was not only an unnecessary expense, but at times undesirable, as bars and not coin were wanted for business transactions. This amendment really limits the present necessary coining operations in the Government institutions to silver and minor coins; and as there are three fully equipped coinage mints in this country—San Francisco, Denver, and Philadelphia—there are more than enough. As already stated, the San Francisco and Denver institutions are located in mining districts and are useful for purposes other than coinage.

It is stated that the Secretary of the Treasury contemplates discontinuing refining operations in the mint service. If this is for the sake of curtailing Government expenditures, it is a mistaken idea of economy, and the Government is unwittingly playing into the hands of custom smelters and refineries. By conducting refinery plants in connection with the various gold-purchasing institutions, the Government has afforded the producer opportunity to dispose of his product at reasonable refining rates. The discontinuance of refinery operations at Government institutions would limit the purchases at these institutions to refined bullion only, which would mean that every ounce of gold mined in this country would have to go first to a private refinery for treatment before it was suitable for purchase by the Government, and the producer would have to pay the private refinery whatever charge it might see fit to impose.

Mr. ESTOPINAL. Mr. Chairman, operations of the mint at New Orleans were suspended from June 1, 1910, two years ago; but it was definitely provided that it should be continued as an assay office in the following language:

The New Orleans Mint will henceforth be conducted as an assay office, with an estimated expenditure for the next fiscal year of \$18,300, which is a reduction of \$120,000 from the appropriation for the fiscal year 1910.

The proposition to close this office at this time is an injustice to the city of New Orleans and will be a handicap to the business interests in their efforts to secure their share of the trade with Latin-American countries.

As is well known, efforts are being made to reorganize the finances of various South American Republics on a gold basis, and New Orleans business men are making efforts to attract even a larger share of gold shipments to that port than they are now receiving; and this consequently should appeal to Congress to not disturb conditions that look favorable by closing the assay office now.

The maintenance of this office will not benefit New Orleans only, but the whole South. The bullion received at the New Orleans Mint comes principally from South and Central America; is melted, assayed, and paid for there, saving the depositors much time and the cost of transportation to either Philadelphia, Denver, or New York, and it would be economical to install a plant for the purpose of refining gold bullion there and storing the fine bars, thus saving the expense of transportation to the eastern mints.

The receipts of gold and silver bullion at the New Orleans assay office during the last 12 months amounted to \$1,600,000, or about \$500,000 in excess of the preceding 12 months, and there is every reason to expect that a proportionate increase at least will be kept up.

Mr. GILLETT. Mr. Chairman, if the House does not wish to follow the views of the committee, its obvious duty is to adopt the amendment offered by the gentleman from Washington [Mr. HUMPHREY] and not the amendment of the gentleman from California, because the amendment of the gentleman from California simply strikes out the provision of the committee and leaves nothing in its place, while the amendment of the gentleman from Washington substitutes the existing law.

This question of the mint and assay offices is not a new question. The Treasury Department for many years has urged upon Congress that they were unnecessary and extravagant. It has been brought into this House several times. The committee may remember that last year the House struck out one assay office, reduced it by one. All we ventured to do was to attack the problem of the superfluous offices one by one and reduce them in that way. I admire the courage of the present majority of the Appropriations Committee in daring to strike

at the whole problem at once and follow the recommendations of the Treasury Department, striking out all of these superfluous offices.

Mr. KNOWLAND. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. KNOWLAND. In speaking of the recommendation of the Treasury Department the gentleman does not refer to any recommendation to abolish the San Francisco Mint?

Mr. GILLETT. Yes; the Assistant Secretary of the Treasury recommended that this ought to go out.

Mr. KNOWLAND. The San Francisco Mint?

Mr. GILLETT. I think so; I think he did. If I personally had to arrange this provision I should have arranged it a little different as to the mints and left San Francisco and dropped Denver. At the same time, I think this step is so desirable, I think the courage of the committee is so commendable, and the economy which is produced is so advantageous to the Government, that I shall vote for this proposition, even if it is not exactly as I would have framed it.

There is no time in five minutes, of course, to discuss the details in it, but the Treasury Department is on record as in favor of this provision by the committee. They say that these offices are superfluous, and it seems to me that if this House really desires economy, if it does not wish to keep them for the sake of local advantage of Members here and there, who of course all dislike to see any Government place taken away from their district—but if this House proposes to do what good administration desires, it will vote for this proposition.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MARTIN of South Dakota. The gentleman speaks of the courage of the committee in striking out the various assay offices. Is there any reason in particular why, if it is good policy to strike them out, it should not be extended to the New York assay office?

Mr. GILLETT. Yes; and the Treasury Department tells why.

Mr. MARTIN of South Dakota. I would like some reason given more than that "the schoolmarm says so."

Mr. GILLETT. They tell us that the New York office is a great receiver of gold from abroad, which comes directly there.

Mr. MARTIN of South Dakota. Can not that be received at the Philadelphia Mint?

Mr. GILLETT. Yes; but New York is the great port, the gold is landed there, and I see no reason why it should not be assayed there.

But when you speak of a mint, the most of us think of it as meaning the minting of gold. The minting of gold is a very small proportion of the work of a mint at present. The coinage of the copper cent is the greatest part of the work that a mint has to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, it is obviously impossible to do justice to an important proposition like this, which proposes in one brief paragraph to repeal numerous laws, in the limited debate which is in order upon this appropriation bill; but I say with entire confidence, if the individual membership of this House would understand thoroughly the proposition involved, in my judgment it would be impossible to adopt this section. The amendment proposed by the gentleman from Washington [Mr. HUMPHREY] is the one that should be adopted, and I judge the gentleman from California [Mr. RAKER], of course, would think the same.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. RAKER. The motion made by myself struck out the lines repealing the law, and the motion of the gentleman from Washington was to strike out the same and place back the assay office as it is to-day.

Mr. MARTIN of South Dakota. Yes; the purpose is practically the same. The motion of the gentleman from California would be simply preliminary to the other. I would like for the committee to bear with me for a few moments, because I live in the gold country, and I think I know something about this question. The fact is, 20 years ago the gold production of the United States was \$33,000,000. To-day it has increased three times that, and it is practically \$100,000,000 a year. The Peerless Leader, in 1896, made the best run he has ever made for the Presidency, and, I think, a better one than he will make next time, upon the free-silver coinage proposition or the gold and silver double standard as a basis for the American monetary system. At that time there was some reason for his argument, but the increased production of gold in the United States has made a firm foundation for the monetary system of the United States, and all the Government has had to do with that proposition has been to place half a dozen assay offices

right out in the States where this gold is produced to furnish immediate market for the sale of the product—for the bullion—in the very locality where it is produced. All it has cost the Government per year is one hundred and three thousand and some odd dollars to maintain and operate these assay offices out in the gold States.

We are expending upward of \$15,000,000 per year to encourage the development of agriculture, and the only encouragement the Government has given the gold-mining industry at all has been in placing these assay offices at home where this gold is produced, thus providing a ready market and quick returns for the gold product to the prospector and miner. These gentlemen are spasmodic in their determination to strike down these assay offices and center the entire gold purchasing of this country in the city of New York. I am aware that the Treasury Department has favored this scheme, but I do not agree with their position. I can not understand upon what theory it could be based unless it be a part of a great financial scheme in this country that seems to demand in some quarters a centralization not only of all the money we have, but of all the bullion and other things of value into one locality on the Atlantic seaboard in the city of New York, and that centralization means in Wall Street in the city of New York. [Applause.]

The law, section 3528, provides exactly the same charges shall be made for assaying and running gold into bars in the assay offices as in the mints, and yet it has been for years the practice of the Treasury Department to make charges for the assaying and making of these bars at the assay offices, but make no charge for the same service at the mints. The only exception is in the assay office in New York. You take a bar or piece of gold and sell it to the United States at the assay office in my town of Deadwood, S. Dak., and they charge \$1.25 a thousand for assaying and making into bars.

Mr. HAYES. If the gentleman will allow me, I have an interest in gold mines myself, and I know we are charged just the same in San Francisco as you are.

Mr. MARTIN of South Dakota. The gentleman is incorrect, and if he will consult Mr. Roberts, Director of the Mint, he will find I am absolutely right. Now, I want to state to the committee that this system of charging for the assaying and melting into bars at the assay offices and not at the mints is not the only instance of discrimination between those places.

As I have said, they make no charge for assaying and making bars at the New York office, but do this service free, as they do at the mints. This operates against the local assay offices in the mining regions, the evident purpose being to draw the bullion to the New York assay office and to the mints. There is no justification for this practice in the law. Under the law all of these offices and the mints should be treated alike.

If the department would make the same assaying and stamping charges for bullion taken to the New York assay office and the mints that they make for the same service at the other assay offices there would be a large saving to the Government. For the fiscal year 1911 these savings would be as follows: New York office \$97,907, and at the three mints \$162,986, or a total saving of \$260,893 for the year.

The Appropriations Committee propose to abolish these local assay offices upon the plea that they are not run at a profit. Neither are the mints run at a profit. The agricultural experiment stations are not run at a profit, but that argument is never advanced as a reason for closing them up. The Government assay offices in gold regions encourage prospecting and encourage new mining enterprises. The Government owes the same fostering care to the mining industry that it owes to agriculture, and in both instances the Government realizes great indirect returns in the stimulation and development of these primary and necessary industries upon which the prosperity of the country depends.

The Assistant Secretary of the Treasury has furnished the Appropriations Committee with a table purporting to set forth the earnings and expenditures of the mints and assay offices. The table is misleading, unless the items entering into it are examined and understood. The table would indicate that the earnings at the mints are much larger than the expenses.

But the seigniorage on the coinage of metal into money is included in the so-called "earnings." This is in no sense an earning of the mints, but is simply a prerogative of sovereignty in the issuance of money. As well might we credit the Bureau of Engraving and Printing with the face value of the paper money printed at the bureau. Eliminating the seigniorage, and the mints are operated at a loss. The loss for the fiscal year 1911 at Philadelphia was \$244,310; at San Francisco, \$190,480; and at Denver, \$73,681.

The assay office at Deadwood is the only institution in the entire system that is operated at a profit. During the calendar

year 1911 the Deadwood assay office purchased bullion to the amount of \$7,297,107.08. The earnings of the office were \$9,961.71 and the expenditures \$9,131.60, leaving a net profit of \$830.11. The department would charge against the office, also, some \$3,000 for express on bullion from Deadwood to the Denver Mint. This should not properly be done, for if the bullion had been sent by the producers to the mint instead of selling it to the Deadwood office the mint would have made no charge for assaying and stamping, for which the Deadwood office collected more than \$9,000.

It is worthy of notice that while the Committee on Appropriations would strike down five Western assay offices, they have in this bill increased the appropriations for the New York assay office in the amount of \$94,600. This is practically as much as it is proposed to save by abolishing the other offices.

Mr. Chairman, this is a narrow and indefensible policy. These assay offices should be retained in the mining States where the gold is produced. It is a very small expenditure for the Government to make to encourage the prospector and miner and to stimulate the production of gold. This gold should be purchased where it is produced, and should be coined and stored in the mints nearest to the base of supply. There are already too many forces conspiring to centralize the wealth of the country into Wall Street to form the basis of abnormal and extravagant speculation. It is difficult enough to check this tendency at best. It would be folly to increase it artificially by congressional legislation.

May I ask for five minutes' more time?

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. FOWLER. Mr. Chairman, I object.

The CHAIRMAN. The question is on the adoption of the motion made by the gentleman from North Carolina.

Mr. WEBB. Mr. Chairman, this is not the first time an attempt has been made to abolish the assay office at Charlotte, N. C. I realize that the recommendation of the Appropriation Committee, supplemented by the recommendation of the Director of the Mint, that this office be abolished, will have weighty influence with Members; but, sir, I have been directed by the legislature of my sovereign State to defend the existence of this assay office, and that direction from the lawmaking body of North Carolina, supplemented by the wishes of the people whom I have the honor to represent, make me bold to call upon my friends in this House to hearken to the wishes of my people and help me preserve this historic office.

By a unanimous vote on the 14th of February, 1911, the following resolution was unanimously adopted by the Legislature of North Carolina:

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and
Whereas this assay office is a great convenience to the mining in the two Carolinas and Georgia: Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such actions and to secure the continuance and maintenance of this office as heretofore.

Resolved further, That this resolution shall be forwarded at once to both Senators and the 10 Representatives in Congress from the State.

The amendment which is offered carries an appropriation of only \$2,550, and under present arrangements, with the assay office earning more than \$1,200 a year, it will only cost the Government \$700 to keep open this office for the convenience of nearly 300 depositors and patrons. You will therefore see that it will cost less to maintain this office than it does to maintain one rural route, and it looks to me like cheeseparing to deprive the people of Virginia, North Carolina, South Carolina, and Georgia of the benefits and conveniences of this office just to save \$700.

Charlotte now is the only assay office between Philadelphia and New Orleans. If you adopt the recommendation of the committee and abolish all the assay offices except San Francisco and New York, then our people will be compelled to pay the express companies high transportation on their metals sent to Philadelphia. Of course, it would be a good thing for the express companies if you would abolish the assay offices. The Director of the Mint says in his report that this office accommodates in a small way a limited number of patrons, but in his opinion the service is not important enough to justify the cost of maintenance. If you would adopt such theory in your legislation you would abolish every branch of this Government except the Patent Office, for every one of them except the Patent Office is run at a dead loss to the Government; but we are giving the people a public service to which they are entitled, just as the maintenance of this assay office does. For the sake of saving \$700 you are called upon to abolish the oldest and most historic institution in our State. I say such an act would

be false economy. This institution was established by the Government about 1830, and the people of Charlotte love and revere the old Mint Building. If you abolish the office, you close the institution and leave it for the bats to infest, and deprive many citizens of four States of its great benefits.

You say that I am asking the retention of this assay office on account of sentiment. No; I am not; but the sentiment which clusters around this historic institution should not be disregarded. Sentiment moves the world, and he who does not regard it reminds me of the lines of Holmes:

You think they are crusaders, sent
From some infernal clime
To pluck the eyes of sentiment
And dock the tail of rhyme,
To crack the voice of melody
And break the legs of time.

Mr. TILSON. Is it not a fact that there has been recent developments in the eastern Appalachians showing that there is more gold in that region than had been supposed, and that the gold field there is really a rich and extensive one?

Mr. WEBB. That is very true. Several new companies have been formed recently, and new machinery has been bought in that region for the purpose of mining gold. The gold production is increasing every year, and North Carolina is the largest gold-producing State east of the Rockies; and yet you ask us to put this little office, which costs the Government but a mite, out of business. I say again it is poor economy and false economy to attempt such a thing, and I call upon this House to protect North Carolina from this act.

A year ago the same effort was made to abolish this office, but the House came to its rescue and saved it by a very large majority. I now call upon my friends to repeat that act and save this office again, and I believe you will do it.

Do not destroy all the little assay offices for the sake of two big ones. Do not pinch off the little rosebuds in order to make two gorgeous roses. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, there is no gentleman in the House whom I esteem more than I do the gentleman from North Carolina [Mr. WEBB]. There is no gentleman who more ably, zealously, and efficiently represents his constituency on the floor of this House or whom personally I would rather favor. But I want to call the attention of the House to the fact that this is not a matter that merely involves \$700, as the gentleman seems to think, down in Charlotte, N. C., but the recommendation of the committee involves, and if adopted will result in saving, over \$175,000 to the people of this country. In other words, if the assay offices are abolished, as the committee recommends, the people of this country will be saved about \$175,000 every year. The assay offices cost, as the report shows, \$185,105.38 each year and they earn only \$45,127.08, and to that expense must be added the cost of transporting the bullion from the various assay offices to the mints where it is to be minted, involving more than \$34,000. In addition to that must be added the cost of transporting the gold from the mint to the assay offices for the purpose of purchasing the bullion.

Mr. WEBB. I would like to ask the gentleman from Tennessee how much the Government would save if we would abolish all the rural routes in the country?

Mr. BYRNS of Tennessee. That is quite a different proposition, I will say to the gentleman, because in this case the money is spent not in the interest of the people, but it is spent in the interest of the great gold-mining corporations of this country. Mr. Chairman, when these assay offices were first established there were few railroad facilities; there were but little, if any, express facilities. Gold was mined by individual miners largely, by the hand process, and it was necessary to establish these assay offices in order to afford to these individual miners an opportunity to sell their gold to the Government without being forced to sell it to a local assayer. Now the proposition is a different one. We have railroads going into every mining region in this country. As I stated a moment ago, gold is mined now not by individuals, but by great mining corporations, and it simply results under the present law in this Government going to these assay offices and undertaking to buy their bullion there and then transporting it to the mint at the expense of the people. Now, if this provision of the bill is adopted and these assay offices are abolished, these corporations will have to take their bullion to the mint, pay the expense necessary to carry the bullion there, and there sell it to the Government, and the people will be saved the amount I have stated.

Mr. HUMPHREY of Washington. I would like to ask the gentleman a question. I wanted to ask the gentleman if under the law that was passed at the last session of Congress, wherever you issue gold certificates upon the bullion what is the necessity of taking the gold to the mint? Why not leave that

gold at Seattle as well as to take it down to San Francisco or anywhere else.

Mr. BYRNS of Tennessee. The gentleman knows it is the policy of the Government, and always has been, to carry this bullion to the mints, and there it is stored. I am talking about the laws as they now exist.

Mr. HUMPHREY of Washington. I am talking about it as it now exists.

Mr. BYRNS of Tennessee. My time is limited, and I want to read the recommendation of the Secretary of the Treasury. I am sorry I can not further yield to the gentleman.

This has been recommended before. The Secretary of the Treasury has for years recommended this very proposition. In November, 1910, in the hearings had before the Committee on Appropriations on the legislative bill for 1912, Mr. Andrew, Assistant Secretary of the Treasury, speaking for the Treasury Department, said:

The assay offices, in the first place, were established at a time when there were not railroads or express facilities and when gold mining was largely carried on by hand processes, and when the gold miner who had accumulated a certain amount of gold had no way of disposing of it except to a local assayer, who would assay it for what he would, and the miner suffered. Nowadays the railroads go into every mining region, and mining is mostly conducted by large corporations. If we had our way in the Treasury, we would do away with all of the assay offices, as it only means that the Government buys the gold on the spot from the large mining corporations and then transports it at its own expense to the nearest mint. We have to send gold coin at our expense to Seattle to buy gold there, and then we send the gold at our expense to Denver or San Francisco.

I want to say in conclusion that if the House wants to adopt a measure of true economy then it should adopt the recommendations of the Secretary of the Treasury and do away with all these assay offices. [Applause.]

Mr. KAHN. Mr. Chairman, the pending item in the bill proposes to abolish the mint at San Francisco. That mint up to the time of the completion of the present one at Philadelphia was the largest mint in the world, and during the last 60 years it has probably turned out more gold coin than any other similar institution in the world.

The money, the circulating medium, of the Pacific coast is coin. We do not use paper money to any great extent on the Pacific coast. Gold and silver are the mediums of exchange there. During the days of the Civil War, when greenbacks were being used in all the rest of this country, the people of California were always on a gold basis.

Now, for years that mint at San Francisco has furnished practically all of the coin used by the people of the Pacific coast. The profit that has been made in the coinage of gold and silver coins in the nature of seigniorage has averaged over \$450,000 a year for the last 10 years. That institution has been paying for itself right straight along. There has been no loss to the Government of any kind in maintaining it. It has been self-supporting. It has not alone been turning out coin for the use of the people of the Pacific coast, but it has also been coining money for the Philippine Islands, and has been making a profit for our Government on that. It has also coined money for foreign Governments. Last year it coined money for the Republic of Salvador, and it earned a profit for the people of the United States on that.

The gentleman from Tennessee [Mr. BYRNS] has made the statement that the Treasury Department recommends the abolishment of this mint. I do not agree with the gentleman. I hold in my hand a copy of a letter from Mr. Roberts, the Director of the Mint, dated February 21, 1912, in which he strongly urges the continuation of the mint at San Francisco. He points out the fact that every year considerable amounts of foreign bullion and coin come to this country from the Orient. This foreign gold is ultimately converted into United States gold coin; and the reception of this foreign gold at San Francisco is intimately related to the trade between foreign countries and our country. Five million dollars in Japanese gold coin was received at that port last year, which indicates a movement in settlement of trade balances.

With the completion of the Panama Canal the amounts of foreign bullion and coin arriving at San Francisco will increase considerably. If this bullion and coin should have to be sent to the Denver Mint to be converted into American money, the express charges for transporting it about 1,500 miles across the continent and then returning it to the Pacific coast as American coin would help to wipe out almost entirely the expected savings indicated by the Committee on Appropriations if the San Francisco Mint were to be discontinued. There is work for the mint at Denver, and there is also work for the mint at San Francisco, and under the proposed legislation the express companies would prove the principal beneficiaries—not the Government of the United States nor its taxpayers.

In his letter to Assistant Secretary of the Treasury Andrew the Director of the Mint also refers to the fact that if this

mint be closed at this time the organization of skilled workmen must go, and if an attempt is ever made to resume operations there it will be practically impossible to get them together again.

And I want to say one word in regard to these employees. When San Francisco was burning six years ago many of the employees of the San Francisco mint went to that institution and remained within its walls continuously for 36 hours. They constantly put out the fire as it caught the roof of the building. Many of them lost their own household effects. They were burned out of their own homes, but they remained at their post in the mint in order to protect the property of the Government of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent, Mr. Chairman, to extend my remarks in the Record by printing the letter from Hon. George E. Roberts to Assistant Secretary of the Treasury, Mr. Andrew.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Roberts's letter is as follows:

FEBRUARY 21, 1912.

DEAR MR. ANDREW: Replying to Mr. BURLISON's inquiry at your hearings upon the estimates for information as to what changes would have to be made in the estimates to provide for a discontinuance of coinage operations at the San Francisco Mint and for supplying the territory heretofore tributary to that mint from the Denver Mint, I beg to say:

I assume that the inquiry relates only to the possible discontinuance of coinage operations and that Congress will favor keeping the mint open to receive, assay, buy, and refine gold bullion, and to convert the same into bars suitable for the issue of gold certificates under the terms of the act of Congress approved March 2, 1911. The San Francisco Mint is one of the most important gold-receiving offices of the mint service, ranking second last year, with deposits of \$60,596,665, while the New York assay office was first, with deposits of \$73,960,079.81. Both of these offices receive considerable amounts of foreign bullion and coin, and are intimately related with our foreign trade. Among the receipts at San Francisco last year was over \$5,000,000 in Japanese gold coin, which signifies a movement in settlement of trade balances. The cost at which gold can be moved from foreign countries to an office of the Treasury and converted into money of the United States sets a limit upon the price of exchange and thus affects indirectly a much larger volume of trade than is affected directly. When the future possibility of trade upon the Pacific Ocean is considered it seems evident that there should always be an office of the Treasury on the Pacific coast, where foreign gold can be received at its assay value.

In this connection it should be remembered that all of the cost of refining or in any way preparing gold bullion for coinage or bars is deducted from the value of the bullion when it is purchased, and that the estimates for the support of the mints for the next fiscal year takes no account of the mint charges for refining bullion, which will be turned into the general fund of the Treasury as a miscellaneous receipt. The income from bullion deposited at the San Francisco Mint in 1911 was \$65,003.30.

The estimates for the San Francisco Mint for the fiscal year 1913 provide for the maintenance of all departments, but with gold coinage on a reduced scale, as contemplated by the act of March 2, 1911. The total amount estimated for the coinage department in "Wages of workmen" is \$26,000, all of which may be eliminated if no coinage is to be done. An amount estimated by the bureau at \$7,000 may also be taken from "Wages of workmen" on account of other departments, making a total reduction of \$33,000 in this fund. In the salary list the superintendent of the coinage department, at \$2,500, and one clerk, at \$1,600, may be dropped. The appropriation for contingent expenses may be reduced by \$5,000. In all, the estimates for the San Francisco Mint may be reduced \$42,000 by suspending coinage operations at that institution.

If, however, the Denver Mint is to supply the silver, nickel, and bronze coinage which in the estimates were allotted to the San Francisco Mint it will be necessary to considerably increase the estimates for the former institution. It is now working with a well-balanced force up to the limit of its capacity for the number of employees, and can not handle more coinage than has already been allotted to it without increasing its force and its expenditures for supplies. It will be observed that of the reductions which may be made at San Francisco only the superintendent of the coining department, a clerk, and possibly one or two foremen belong to the overhead expenditures. All of the rest is for wages of workmen and supplies, and can not be reduced without reducing the total coinage of all the mints in a corresponding degree. In other words, there is little to be saved in merely shifting the coinage from San Francisco to Denver so long as the main organization at San Francisco must be maintained. We must keep the superintendent and the entire force for receiving, melting, assaying, refining, and safeguarding the bullion, including the bookkeeping and clerical force and the care of the building.

The amount of silver, nickel, and bronze coinage contemplated for the San Francisco Mint would not, however, fully occupy the coining department, and possibly would not take more than half its time. It was planned to reduce the force in this department to the lowest effective basis and have it do as much gold coinage as possible in addition to the small coins. In this connection I think the committee's attention should be directed to the fact that the act of March 2, 1911, does not contemplate a complete suspension of gold coinage. It merely authorizes the Secretary of the Treasury, in his discretion, to issue gold certificates against deposits of gold bullion and foreign coin, expressly providing that the amount of gold bullion and foreign gold coin so held "shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding." On the first day of the current month the total amount of gold certificates outstanding was \$1,035,613,369, of which, under the terms of the act, \$345,204,123 might be in bullion and foreign gold coin, while all of the rest must be in United States gold coin. The reserve at that date consisted of \$935,173,533 in United States coin and \$100,438,836 in bullion. It is therefore possible and also desirable to increase the stock of bullion, but as the deposit of gold bullion at all offices of the service during the last

fiscal year amounted to \$175,383,090.44 it evidently will not be possible to completely suspend the coinage of gold for many years unless a further change in the statute is made. This is the vital fact to be considered in connection with the proposal to close the coining department of the San Francisco Mint. If the coinage of gold is to be resumed within a comparatively short time there is no advantage in temporarily closing the coining department of that institution. It may as well continue to do a moderate amount of gold coinage from year to year.

If, however, Congress should decide upon this policy, it is estimated that \$18,000 should be added to the "wages of workman" fund of the Denver Mint, one clerk at \$1,600 a year to the salary list, and that \$2,500 be added to the contingent fund. The difference between these additions to the Denver estimates and the subtraction from the San Francisco estimates would represent the expenditures upon gold coinage if operations were continued at San Francisco.

There are still other features of the case to be considered, to wit:

First. The San Francisco Mint does a considerable amount of coinage for the Philippine Islands. It is now a diminishing quantity, but for the last fiscal year the charges collected amounted to \$20,962.40. At the existing express rates on coin from Denver to San Francisco the charges on these coins, if shipped from Denver to San Francisco by express would have been \$7,977.25. While this additional expense would not come out of the United States Treasury, it is entitled to consideration. The Philippine Government would probably find it advantageous to have its coinage done at a foreign mint rather than pay the high inland charges.

The San Francisco Mint was also in receipt last year of \$5,111.06 for coinage done for Salvador, which might not have been done in this country if inland transportation were added to the cost. The total earnings of the San Francisco Mint last year for coinage done for other countries were \$26,073.48.

Second. The average annual coinage of the San Francisco Mint in subsidiary silver coin for the last 10 years has been a little over \$1,000,000, all of which has gone into circulation upon the Pacific coast and indicates about the absorption of that region. The cost of transporting \$1,000,000 in subsidiary silver coin from the Denver Mint to the San Francisco Subtreasury at the existing express rate would be \$9,000. These charges are paid from the appropriation for contingent expenses of the Independent Treasury, and as the estimates for that appropriation were made without contemplating this item they should be correspondingly increased if the expenditure is to be incurred.

The amount of nickels and bronze cents used on the Pacific coast has in former years been small, but is rapidly increasing. For the last fiscal year the amount of these coins which was delivered at the San Francisco Subtreasury for distribution on the coast, if shipped from Denver, would have involved express charges aggregating \$5,583.50. Altogether the express charges from Denver to San Francisco on last year's coinage for the Philippines and for small coins for the Pacific coast would have amounted to \$22,560.75. These computations are made at existing rates. It is probable that some reduction could be obtained upon them if the Treasury was ready to enter into a contract for the carriage of considerable sums over a period of time. It is also to be considered, on the other hand, that the absorption of the small coins on the Pacific coast is likely within a few years to largely exceed the average for the last 10 years.

Finally, it is to be considered that if the coining department is shut down the machinery is likely to deteriorate, and, of course, the organization of skilled workmen must go. With a full desire to cooperate with the committee in all respects to eliminate unnecessary expenditures, I am moved to urge that no action be taken in haste that will impose great hardship upon a force of worthy and deserving employees. Most of these men have spent years in acquiring skill which makes them valuable to the Government, but the trade is not one in which they can find employment elsewhere, and even if no consideration be given to employees who have handled billions of dollars' worth of treasure with scrupulous fidelity it will not pay as a matter of common business policy to close the coining department temporarily and scatter a force of men whose integrity and skill have been tested only to reopen it in a short time. Men are not trained for this work anywhere but in the mint service.

The policy of the service has been planned with a view to economy on a permanent basis. The discontinuance of assay offices has been recommended on the ground that there is no longer the occasion for them that originally existed. Changes have been recommended in the mint organizations, simplifying them and effecting greater flexibility in the working forces. The number of mints has been reduced to three, two of which are conveniently located to receive bullion direct from producers. The Philadelphia Mint, although not directly related to any bullion-producing district, is well located for the manufacture and distribution of the subsidiary and minor coins. The New York assay office will receive the gold bullion coming into the country on the Atlantic coast and convert it into bars. It is the policy of the Treasury to fill orders for coin from whichever mint they can be shipped at the lowest transportation charges, whether the charge is paid by the Treasury or the consignee. This gives the bulk of the small coinage to the Philadelphia Mint, but an important share goes to the Denver Mint. The San Francisco Mint has a much smaller tributary population, but it is so important an institution in gold receipts and in probable relations to foreign trade with that coast that the bureau has never contemplated closing it and can see no economy in closing one department. With continually increasing demands tributary to it, we might expect that there would be constant agitation to resume coinage operations, and that this would eventually be done. In that case nothing would have been gained by the suspension, and grave and unnecessary injury would have been done to the employees.

This letter has gone into details in order that the committee may be fully informed as to all the facts which have influenced the policy of the department in making up the estimates.

Respectfully,

GEORGE E. ROBERTS,
Director of the Mint.

Mr. DUPRÉ. Mr. Chairman, the bill as reported from the committee proposes a change in the San Francisco Mint so as to make it an assay office. I want to say, from experience, that that is the beginning of the end. We used to have a mint at New Orleans, and by the action of the Director of the Mint it was degraded into an assay office, and the present bill proposes to abolish that assay office. So San Francisco and California may well profit by our example.

I have here in my hand a protest from the Clearing House Association of New Orleans, composed of 13 leading banks of

that city, which I shall ask leave to insert in the RECORD. That protest shows that in 1910 the gold assayed at New Orleans was \$950,000, while in 1911 the gold assayed was \$1,600,000, showing the increased usefulness of that assay office, as a result of the enlarging gold importation that is coming in from Central American ports.

As my colleague has said, there is no better way of cementing trade relations between the United States and the Central American Republics than by maintaining on the Gulf coast an assay office where gold from these countries may be refined.

I want to call attention further to this fact, that as shown in the hearing, at page 180, the New Orleans Mint is now used to store \$22,000,000 in silver, which can not be deposited in the Subtreasury at New Orleans, because there are no vaults in it that are fit for that purpose.

This is the protest from the Clearing House Association of New Orleans:

NEW ORLEANS, March 2, 1912.

To the Hon. FRANKLIN MACVEAGH,
Secretary of the Treasury, Washington, D. C.

SIR: The banks of this association have had under consideration at several of their recent meetings the suggestions emanating with your department and reflected in your annual report, recommending the abolition of various assay offices in the United States, including the assay office operating in this city.

The records of the assay office in New Orleans show gold assayed in 1910, \$950,000. The amount for 1911 is \$1,650,000, and is steadily increasing on account of the large shipments now being directed to this port from Central America.

The appropriation for the fiscal year ending June 30, 1912, for this assay office, and for the storage and care of standard silver dollars aggregating \$23,000,000, is only \$21,300. It is advised that less than \$18,000 of this amount will be expended during the present fiscal year; the cost of operating the assay office would be decreased year by year, owing to the proportionate large imports of gold from Central America.

The growing importance of certain Central American Republics where gold is produced, the efforts being made to reorganize the finances of these countries and place them on a gold basis, through the instrumentality of financial institutions and merchants in New Orleans, would indicate the importance of maintaining the assay office in New Orleans instead of compelling shippers of gold to transmit it to Philadelphia or New York, thus incurring heavier expenses and loss of interest, etc. These remarks also apply to countries south of the Equator, who can be expected after the opening of the Panama Canal to make a free use of this port for their importations of gold.

If the department in Washington would permit the operation of the refinery in the New Orleans Mint, which could be done at a very small cost, the expense of transporting the bullion to the New York Assay Office would be saved. It would provide fine bars to be stamped and stored here as well as in New York.

As the policy of the Government seems to have been to foster and aid these Central American Republics, the closing of the assay office in the city of New Orleans would almost act as a discrimination against these Republics, our local financial institutions, and commercial bodies, etc.

The banks of this association have been stimulating the import of gold to this port, and they feel that the cutting off of the very small appropriation by the Treasury Department, necessary to continue the operation of the assay office in this city, would be reckoned as false economy, and would interfere with international relations which have been successfully established after considerable effort and a large expenditure of money.

All the banks of this association who are voicing their views through the medium of this letter to your department desire to enter their protest to the closing of the assay office, and they ask your considerate attention to their suggestions.

Respectfully submitted.

Bank of Orleans, Canal-Louisiana Bank & Trust Co., Citizens' Bank & Trust Co. of Louisiana, Commercial National Bank, Commercial-Germania Trust & Savings Bank, Cosmopolitan Bank & Trust Co., German-American National Bank, Hibernia Bank & Trust Co., Interstate Trust & Banking Co., Metropolitan Bank, New Orleans National Bank, Whitney-Central National Bank.

You gentlemen, in abolishing the assay office, will do what? You will find it necessary to make provision for the care and custody of this \$22,000,000 in silver, which will cost an amount almost equal to that which it now takes to run the New Orleans assay office, some \$18,000. I hope the substitute proposed by the gentleman from Washington [Mr. HUMPHREY] will prevail.

Mr. BURLESON. Mr. Chairman, at this time we have authorized by law 5 mints and 10 assay offices. The Treasury Department tell us that we need only 2 mints and 2 assay offices, and that all other mints and all other assay offices are absolutely superfluous, unneeded, and an extravagance. The only question that presents itself to the committee at this time is whether you will do with the money of the Government as you would do with your own money. I submit now to each individual Member this issue: If you had a confidential agent in whom you placed confidence and he told you that certain expenditures you were making were wholly unnecessary and brought you no benefit, what would you do? There can be but one answer; you would cut off that expenditure. There is not a man here who is honest and intelligent but knows that he would cut off that expenditure. Here we have trusted agents of the Government, officials of the Treasury Department, telling us year after year that these offices we seek to eliminate are absolutely unnecessary. Now, will you cut them off?

Gentlemen say that there is a question whether the recommendation has been made. Year after year it has been made. Just two years ago the assay office at St. Louis was stricken down against the earnest protest of as popular a man as there is in this House. [Applause.] There was just as many reasons for the continuance of the St. Louis assay office as there is for the continuance of the office at Charlotte, or the office at Seattle, or the office at any other place save New York and San Francisco. Here is what the Secretary of the Treasury says:

We ought to have a mint in the east and a mint in the west, and we ought to have an assay office at the refineries in New York and San Francisco, the great entrepôts for gold.

That and nothing else. Now, Mr. Chairman, there is no sectionalism in this proposition, no partisanship in it. The Secretary of the Treasury says that we need a mint at Philadelphia, an assay office at New York; that we need a mint either at San Francisco or Denver, as you will read in the hearings, and an assay office at San Francisco. We leave the two assay offices, and we strike down, or attempt to strike down, the mint at San Francisco because it is old, antiquated, obsolete. We continue the mint at Denver because it is new, modern, up to date. The gentleman from Washington [Mr. HUMPHREY] speaks of political influence or advantage. Mr. Chairman, during the preparation of this bill and since I have received scores of telegrams with reference to this matter, some from my own State, many from California. I hold in my hand a letter and a telegram from two of the most prominent Democrats in California. I will read from each just one line. I am not going to call their names, but the letter and telegram are here for anybody to see. I read from the telegram:

SAN FRANCISCO, CAL., April 27, 1912.

Public sentiment is flowing strongly toward Democracy on the Pacific coast. No appropriation [meaning for the mint] means a powerful club placed in the hands of our opponents.

I now read from the letter:

Adverse action means certain loss of the Pacific States in November.

[Applause on the Republican side.]

Gentlemen, this is not a question of partisan politics, and, speaking for myself, I will not be controlled by such considerations. It is a question whether you propose to economize in the expenditure of public money when the opportunity is fairly and squarely presented. The gentleman from Massachusetts adverts to the fact that we attempt to cut off all these at one time. We attempt it because we know it is right. We attempt it because we confidently believed that there was a sense of public duty high enough on this side of the House, with the assistance of those on the other side of this Chamber who desire to do the right thing, to conserve the public funds.

Mr. RAKER. Will the gentleman yield for a question?

Mr. BURLESON. What sort of a question?

Mr. RAKER. The gentleman made the statement that the machinery in the San Francisco Mint is not up to date.

Mr. BURLESON. When was it constructed? More than 60 years ago—

Mr. RAKER. I want to say to the gentleman—

Mr. BURLESON. I have no time to yield further. The gentleman himself stated that it was constructed in 1852. Every Member here knows that the Denver Mint is comparatively new. Treasury officials say we need one mint on the western coast, and the Secretary of the Treasury declined to state whether it should be the one at Denver or the one at San Francisco. We sought to ascertain the real facts, the whole truth, and we learned that the mint at San Francisco was old and obsolete. I do not care whether it is in the printed hearing or not. That is the statement that was made, and everybody knows that it is true. These offices should be abolished; it is a solemn duty we owe ourselves and our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CULLOP. Mr. Chairman, the proposition made by the gentleman from Texas is that these mints are proposed to be abolished in the interest of economy. By what mathematical process he arrives at that conclusion I am entirely unable to understand. But I do understand that the committee has recommended the retention of a mint which has been a large expense to the people of the United States, and if there is any economy in that I am unable to see it. From the hearings before the committee it appears that the earnings of the Philadelphia Mint last year were \$4,510,884 and the expenditures \$553,100. That mint is a profit earner. The earnings of the mint at San Francisco were \$610,003 and the expenditures \$288,944, which shows that the San Francisco Mint is a money-maker to the United States to the amount of nearly \$400,000 a year.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CULLOP. I have not time now. Wait until I get through. The committee have recommended leaving the New York office in a territory where no gold is mined and where it is operated at a great loss every year. Last year that mint earned \$95,940 and cost the Government \$159,000. What kind of a process of economy is that? [Applause.] It does not come up to the standard which accumulates wealth.

I now read from page 179 of the hearings. Mr. Andrew, who appeared before the committee, testified that they ought to have two mints, one in San Francisco and one in New York. This was wisdom on his part and comported with good business methods. In the name of common sense, why should he advise shipping the bullion across the entire country to be minted? [Applause.] Did anyone expect him, as a practical business man, to advise the abolition of the mint at San Francisco?

Mr. BYRNS of Tennessee. The gentleman is mistaken in regard to what Mr. Andrew stated on that proposition.

Mr. CULLOP. I will read it.

Mr. BYRNS of Tennessee. Mr. Andrew stated that if it was an original proposition that ought to be done.

Mr. CULLOP. I will read what he said, and you may make your defense in your own time. I read from page 161 of the hearings. Speaking of assay offices, Mr. Andrew said:

The department would be very much pleased, Mr. BURLINSON. We should like to see them all abolished except the one in New York. The assay office in New York is very important, as that is the natural entry port for gold.

Mr. BURLINSON. I agree with you thoroughly about that.

Mr. ANDREW. And probably if we were starting over again we would have our mint in New York. We really ought to have two mints, one on the eastern seaboard and one on the western seaboard, and if we had a mint and assay office in New York and one in San Francisco we would be ideally situated. As it is, however, the mint is established in Philadelphia and ought to be continued.

What good business man acting on a safe business plan would advise the abolishment of the mint nearest the raw material and then advise the transportation of the raw material a long distance for manufacture? If any such there be, I hope they are few and far between, and there ought to be none. If any exist now, I hope they will soon fade away.

Why, there is no reason for it except it is farther away from the production, and the express companies in carrying the articles to the mint would be a little better able to collect money from the pockets of the people and swell their already overflowing coffers. Of such legislation they would be the chief beneficiaries.

Mr. HAMLIN. Will the gentleman yield?

Mr. CULLOP. No; I have not the time. Why should not the gold be minted where it is produced and then send it across the country already manufactured? It will find its way East soon enough. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I want to say in reply to the gentleman from Texas that the present mint in California was not built in 1852. That old mint was long ago abandoned, and the present mint is a comparatively modern institution; not only that, but the machinery of the mint within the last three or four years has been practically all rebuilt. Last year Congress appropriated \$40,000 for the purpose. Whatever the motives for the abandonment of the mint at San Francisco may be, it can not be economy, as I can demonstrate in a very few moments. If the mint in San Francisco is abandoned, we must abandon the coining of money for the Philippine Islands. If not, we must pay the express charges from the coast to Denver and back again, and these express charges would be exorbitant, amounting to practically \$8,000 on the basis of last year's coinage; but if we lost the coinage the loss would amount to more. Last year this coinage brought to the mint at San Francisco \$20,000. We coined \$5,000,000 for the Republic of San Salvador, for which we received something like \$7,000. Besides all this, we have to coin for use on the Pacific coast, which, as has already been stated, uses only gold and silver coin, more than a million dollars in silver every year. That is to supply the normal yearly demand. The express on that silver to Denver and back again would be \$9,000. The express on the nickel and copper coins which last year were coined at the San Francisco mint to Denver and return would amount to \$5,500. These figures are given us by the Director of the Mint. The total actual expenditure would be \$22,500, and the loss of the foreign coinage would be \$26,000 more, or \$48,500 in all, and all the net saving the committee has pretended they would make by the abandonment of the San Francisco Mint is \$30,000. So that we

should be actually out on the proposition proposed by the committee somewhere from \$10,000 to \$20,000.

Now, in this statement I have not taken into consideration the increase of \$94,000 for the assay office in New York City, which is made necessary by this absolute change in regard to the policy of the Government as to the mints and assay offices.

So there can be no argument that has any foundation that this is a matter of economy. As has been said, the San Francisco Mint is not only a self-supporting proposition but it has brought millions of dollars into the Treasury of the United States. For the last 10 years the San Francisco Mint has earned \$8,500,000, and the total expense has been only \$3,900,000, leaving \$4,500,000 as the profit that has come into the Treasury of the United States from the operation of the San Francisco Mint.

Now, gentlemen, it seems to me that if we are to have any change of policy at least that policy which has been advocated by every Secretary of the Treasury since it has been agitated should be followed—that there should be a mint on the Pacific coast and one on the Atlantic coast. The mint at San Francisco is the natural place for a mint on the Pacific coast; it is the place to which the gold of Alaska comes and to which the gold from across the Pacific comes. Five million dollars was received last year from Japan alone to be melted into bars or recoined. The foreign coinage would naturally come to San Francisco and would not go to a mint in the interior.

I have no fight to make against the mint in Denver. I am only saying that I believe it is not economy to abolish the mint at San Francisco, and the facts demonstrate beyond all peradventure that it would be a positive loss to the Government and a great inconvenience to the people who are producing the great bulk of the gold produced in this country.

Mr. HILL. Mr. Chairman, I ask the special attention of gentlemen on this side of the House. I had the honor to serve five or six years on the Committee on Coinage, Weights, and Measures. A thorough study of this whole question at that time convinced me that many of these institutions now in the United States were not only absolutely worthless, not only great sources of expenditure to the Government, but they were hurtful to a free and easy flow of the coinage of the United States.

There are two questions to be taken into consideration. I know that it is almost impossible for the gentleman who is sitting near me now and other gentlemen into whose faces I am looking to oppose this measure because it will take away from their locality institutions which they have obtained by much trouble and anxious thought. But it would be better for the United States of America, which we are representing on this floor, that this project which the committee has brought forward, and which I will gladly vote for, should be carried in its entirety and in its simplicity and that every amendment should be voted down, and I will tell you why.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HILL. I can not; I have only five minutes. The first thing in reference to the coinage in this country is the perfection of the work and the consequent prevention of easy counterfeiting, and that can be better done with only one mint—as it is in every other country in the world—rather than in half a dozen different ones. The second proposition is ease and economy of distribution of the money after it is coined.

There is no trouble about the bullion getting to the mint. The question is, what is most convenient for the distribution of the money in small sums to the people, to the banks, to the stores, and the mercantile institutions that want it. That is the other question which should control the location of the mint in Denver or some other central point in the country.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. HILL. I have but five minutes. Now, with the mint on the seacoast to take care of the Eastern States, with the mint at Denver providing for the great central west and the Pacific coast, you have got a model plan for distribution as good as you can get it in this great country of ours. With an assay office in New York and one at the seaport on the Pacific coast you have got your receiving points, and you can not get, in my judgment—I may be mistaken—a better system than that which this committee has recommended, and I congratulate them on the courage which they have shown in bringing it in here.

Mr. JOHNSON of South Carolina. I desire, Mr. Chairman, to move that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and all amendments thereto close in 15 minutes.

Mr. MARTIN of South Dakota. Mr. Chairman, reserving the right to object, does the gentleman propose to apply that re-

quest to amendments? I have an amendment I desire to offer, and would like to have five minutes' time to discuss it.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and pending amendments close in 15 minutes.

The question was taken, and the motion was agreed to.

Mr. KNOWLAND. Mr. Chairman, in reply to the gentleman from Texas, I hold in my hand a letter from the Treasury Department in regard to the condition of the machinery in the San Francisco Mint. It says:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 3, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

Sir: Replying to your inquiry of the 3d instant, I beg to say that the machinery in the San Francisco Mint is in good condition and ample for present requirements and that no important expenditures for equipment are likely to be needed for some years to come.

Respectfully,

J. F. CURTIS,
Acting Secretary.

Mr. Chairman, I believe it is but fair to the members of the subcommittee who framed this bill to credit them with a desire to do justice to every locality and to act in the best interests of the Government. In considering the innumerable items which the bill contains it was but natural that some mistakes should be made, for the committee is but human.

All efforts toward economy are commendable, but in attempting to legislate the San Francisco Mint out of existence the committee has overshot the mark, for instead of effecting a saving the legislation, if passed, will result in a loss to the Government. The figures which I give are furnished by the Director of the Mint, an official who has never hesitated to make recommendations that would result in any real saving to the Government.

Let us analyze the San Francisco situation. This mint is advantageously located at the gateway of the Pacific, which will always be a trade center and entrepôt for gold. Owing to its location on the coast this institution secured coinage last year from other countries—the Philippines and Salvador—which resulted in earnings of \$26,073.48, which coinage, according to the director, would probably have been done outside of the United States had it been necessary to pay express charges to an interior mint. Here is over \$26,000 of revenue lost as a first item with coinage discontinued at San Francisco, a bad beginning for economy.

The total annual coinage of subsidiary silver coin at this mint has been over \$1,000,000, all of which has gone into circulation on the coast, and if shipped from Denver would have called for an expenditure of \$9,000 for express charges. The nickels and bronze cent pieces, for which there is an increasing demand on the coast, if shipped from Denver would have entailed an expense of \$5,583.50 for express charges, a total of \$14,583.50. What the Government loses by this deal the express companies gain. So far the total reaches over \$40,000 on the wrong side of the economy ledger.

In case all the coinage of San Francisco went to Denver—and I want to say that I have nothing against the Denver Mint, for we in the far West are compelled to fight for whatever we get, and I would not in any way injure that institution—an additional appropriation of \$22,100 would be required for that mint, making a grand total additional expense of over \$62,000, which no reduction of force at San Francisco could offset. Let us recapitulate, showing by figures furnished by the Director of the Mint that to discontinue coinage at San Francisco is not in the interest of economy.

Revenue from foreign coinage that would in all probability be lost if express charges were necessary to be paid.....	\$26,073.48
Express charges on silver.....	9,000.00
Express charges on nickels and cent pieces.....	5,583.50
Additional appropriation for Denver.....	22,100.00
Grand total.....	62,756.98

There is another matter that should be taken into consideration in discussing this question. There appears to be an erroneous impression in some quarters that gold coinage has ceased as a result of the act of March 2, 1911. This act, which I have before me, does not contemplate a complete suspension of gold coinage, for it expressly provides that the amount of gold bullion and foreign gold coin held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. This means that in a short time bullion held in San Francisco, where one-third of the gold is received annually, last year's total receipts amounting to \$60,596,665.11, will have to be shipped to Denver to be coined, with express rates at \$1.50 per thousand. This will mean the payment in express charges, according to the department, of an amount that will of itself exceed any possible saving, even if all the other items already enumerated were eliminated.

We have not spoken of the deterioration of machinery; we have not given consideration to those faithful employees who have devoted the best part of their lives to the service, handling millions of dollars without loss to the Government, and who will be compelled to seek employment elsewhere, breaking up their homes, and all without reason.

This mint, established in 1854, is in the center of the greatest gold-producing region in the world, extending from Alaska to Mexico and from the Rocky Mountains to the Orient. Gold and silver is our circulating medium on the Coast, and nowhere is a mint more necessary. It has been self-supporting.

The legislation is unnecessary, uncalled for, and inexcusable, and I hope the House will vote against the unwarranted action contemplated by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOWLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, would it be in order for me to offer my amendment now?

The CHAIRMAN. No; the Chair thinks the gentleman's amendment will be an amendment in the third degree, and after the amendments are disposed of it will still be in order for the gentleman to offer his amendment, although there will be no debate on it.

Mr. MOORE of Pennsylvania. By that time the time for debate would probably have expired?

The CHAIRMAN. It will have expired.

Mr. MOORE of Pennsylvania. I ask to offer my amendment now and have it pending—

The CHAIRMAN. The gentleman from Pennsylvania asks to have his amendment read in his own time. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, strike out all after and including the word "mint," in line 1, down to and including the figures "\$73,200," on line 13, and insert the following:

"At Philadelphia: Superintendent, \$4,500; engraver, \$4,000; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk, \$2,500; assistant assayer, \$2,200; assistant coiner, \$2,000, and \$500 additional during present incumbency; assistant melter and refiner, \$2,000; cashier and bookkeeper, at \$2,500 each; clerk and deposit weigh clerk, at \$2,000 each; assayer's assistant, \$2,000; assistant cashier, \$1,800; curator, \$1,800; two clerks, at \$1,700 each; eight clerks, at \$1,600 each; one clerk, \$1,500; six clerks, at \$1,400 each; two clerks, at \$1,300 each; two clerks, at \$1,200 each; seven clerks, at \$1,000 each; one clerk, \$900; in all \$80,300."

Mr. KENT. A point of order, Mr. Chairman. I understood that 15 minutes were allowed for this Pacific coast matter.

Mr. MOORE of Pennsylvania. And all amendments thereto.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is having this amendment read in his own time.

Mr. MARTIN of South Dakota. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of South Dakota. I make a point of order that the gentleman's amendment does not pertain to the paragraph under consideration, and the limitation of time was for debate on that paragraph.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is offering an amendment, to be read in his own time for the information of the House.

Mr. MARTIN of South Dakota. A parliamentary inquiry. Does that come out of the time limited for debate?

The CHAIRMAN. It comes out of the time of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, the purpose of this amendment is to restore the amount appropriated by existing law; that is to say, \$80,300 in lieu of \$73,200 provided for in this bill. It is intended to preserve the office of coiner, which is created by statute, and one or two other places which have been eliminated by the committee's process of economy. Mr. Chairman, it is so unusual—

Mr. BURLESON. I will say to the gentleman that the Treasury officials have recommended that that be eliminated.

Mr. MOORE of Pennsylvania. I understand that the department recommended the change, but I desire to make an effort in this House to restore the places made by statute, as well as other places, in the Philadelphia Mint. It is so unusual, I was about to say, to hear in this House that Philadelphia had gotten anything ahead of any other section of this country that I feel note should be made of the incident.

My friend from Indiana [Mr. CULLOP] a moment ago laid particular stress upon this fact, but it seems he took into account not at all the fact that the appropriation made for the operation of the mint in Philadelphia is almost entirely an ap-

propriation to pay for labor that toils at that mint. One of the objections I have to the policy of economy inaugurated by the committee is that it strikes out the employees of these establishments, and the reason I offer this amendment is to meet the condition which the committee presents of striking down those whose wages are involved.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired. The gentleman from California [Mr. KENT] is recognized.

Mr. KENT. Gentlemen, I have been in favor of the program of economy. I voted for it, and I have consistently voted to leave money in a man's pocket rather than to place a residue of it in another's pocket; and in the interest of economy I have advocated up to the present time an amendment that would nullify the paragraph that would do away with the San Francisco Mint. Figures have been shown which to my mind are conclusive to the effect that the San Francisco Mint pays the Government at least \$10,000 more per annum in actual cash than would the proposed arrangement.

We in California use coin almost exclusively, and we wear it out by abrasion and it needs to be recoined there, because it is in circulation there. Otherwise long shipments would be required. It is the normal, natural place in which to have a mint, because it is situated where coin is more used than in any other part of the country.

I hope the Democratic Party will succeed in practicing the economy which it preaches, although I have serious doubts.

I was surprised with the statement of the gentleman from Connecticut when he paralleled the United States with the European countries that get along with one mint. Our distances are vastly greater, our situation different. There should be a mint on each seaboard of the United States, and San Francisco stands as a natural receiving point for precious metals from Alaska, Mexico, California, Nevada, and in many cases from Utah. On the other hand, there is a continued call for metallic money in oriental commerce. At the convergence of supply of precious metals and demand for precious metals there should be a Federal mint. The mint is established where it should be established, and that is at our greatest Pacific seaport. It is not the part of economy to destroy it.

Mr. JOHNSON of South Carolina. Mr. Chairman, the Committee on Appropriations appeals to both sides of the House to vote for the bill. The President of the United States, in a message to Congress, calls attention to the fact that money can be saved by abolishing useless mints and assay offices. The Secretary of the Treasury, in his annual report, on page 44, states that these offices are absolutely worthless. We have brought in a bill that abolishes them without regard to locality and without regard to politics. We abolish the office in Charlotte, N. C., we abolish the office in New Orleans, La., and we abolish the offices wherever they are located if not needed. The annual expense of running these assay offices is \$118,000. The cost of shipping gold from the assay offices to the mint is \$44,500. In addition to that, we must spend \$45,000 or \$50,000 more in sending money from the Treasury to the assay offices to pay for the bullion. The only difference between the abolition of the offices and the condition now will be that the owners of gold bullion must ship it to the mints instead of to the assay offices. We now pay the express not only upon the bullion of the gold miner from the assay office to the mint, but we pay the express on the gold to pay for the bullion from the Treasury of the United States to these assay offices. Talk about a profit? Why, if you are going to make that sort of imaginary profits—bookkeeping profits—we could go into the coinage of copper and silver and make millions of dollars. That is what the profit at the San Francisco Mint comes from. It is the profit upon the coinage, and whether you coin the copper and the subsidiary silver in the mint at Philadelphia or in the mint at San Francisco, the seigniorage is the same.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. JOHNSON of South Carolina. I am sorry I can not. I have not the time.

If we coin the coppers at San Francisco we must pay the express on those coppers to the parts of the country where they are used; and whether you coin the coppers or the subsidiary silver in one mint or another, the Treasury bears the expense of transporting those coppers and that subsidiary coin out into the channels of commerce.

Are you willing to maintain a mint that earns, for instance, \$2,400 a year? Outside of the express upon the bullion and the coin, it costs \$13,500 to maintain it. Are my friends from North Carolina going to vote against saving \$250,000 because the pit-

ful sum of \$2,400 of that money is spent within their borders? Will our friends from Louisiana vote against saving \$175,000 or \$200,000 simply because \$8,000 of the money is expended in their State? Will you men on this side of the House refuse to stand by the committee that has brought in a bill carrying out the recommendations of your President and of your Secretary of the Treasury for the abolition of useless and worthless Government institutions? Mr. Chairman, I ask for a vote. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Washington [Mr. HUMPHREY] to the amendment offered by the gentleman from California [Mr. RAKER] to the paragraph in the bill.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. RAKER. A division, Mr. Chairman.

The committee divided; and there were—ayes 80, noes 65.

Mr. JOHNSON of South Carolina. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. JOHNSON of South Carolina and Mr. HUMPHREY of Washington.

The committee again divided; and the tellers reported—ayes 92, noes 61.

So the substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PRAY. Mr. Chairman, notwithstanding the recommendation of the Treasury Department, I am convinced that the discontinuance of the United States mints and assay offices at this time is a very great mistake, and it is to be regretted that the Committee on Appropriations has deemed it advisable to make the sweeping changes indicated in the bill now being considered by the committee. While I am chiefly interested in the assay office in Montana, located at the city of Helena, in the center of a great mining district, I am also decidedly opposed to the entire scheme contemplated in this paragraph of the bill. I have received hundreds of protests against the discontinuance of the Helena office. A great deal of interest has been manifested in this subject by persons engaged in mining in my State since it became known that a movement had been started to do away with this office, and from statements made to me by men on the ground, who are familiar with present conditions, there can be no doubt as to the necessity of maintaining this office. I am informed that there is at present a marked revival of gold mining in this section of the country. A great many small operators are in the field and many new properties will be developed during the season. The Helena office was established in 1874. The bullion produced annually amounts to over \$2,000,000 and the depositors number from 500 to 1,000. This assay office has a large number of small customers, many of whom operate mines remote from railroads. It is often necessary to receive returns from the clean-up before these small companies or the individual miners can pay their operating expenses.

The product of the mines can now be deposited at the assay office and the miners can get their cash within two days. If you discontinue this office, their bullion will have to be disposed of at a discount to a dealer or else sent to the mints. If the latter course were adopted, an indefinite delay would ensue before the returns were received, operations would be retarded, and the expense of mining greatly increased. I am advised that if the Helena office is discontinued a great many small producers will be forced out of business. Whether the injury will go to that extent, of course, I am unable to state from my own personal knowledge, but I am satisfied that the closing of this assay office will result in great detriment to the mining industry. It is to be hoped that the recommendations of the Treasury Department and the Committee on Appropriations will not prevail.

I desire to submit for the consideration of the House samples of a great number of resolutions that have been adopted by various mining associations, commercial bodies, and individuals throughout Montana and the Western States in opposition to the changes here proposed by the Appropriations Committee relative to mints and assay offices; and I desire especially to call attention to the letter of the president of the Commercial

Club relative to the Helena office, substantiating my statement and showing the necessity for the retention of this office:

Resolution adopted at a meeting of the Montana Mining Association, Helena, Mont., Tuesday, March 12, 1912.

Whereas it has come to our notice that there is a movement on foot to discontinue the refineries connected with the United States mints and to abolish all United States assay offices; and

Whereas for five years the United States assay office at Helena has treated an average of \$1,986,887.20 of bullion, and it is thereby shown that the United States assay office at Helena is being used by a great many operators in this State and its abolishment would be an injury to these people and to the mining interests of Montana; and

Whereas we feel that the United States assay office located at Helena is of great importance to the gold miners and prospectors, and if the office were removed bullion would have to be shipped to eastern points or disposed of to the pawnbrokers or custom smelters where charges would be exorbitant; and

Whereas it is well known that the small operator depends upon immediate returns from each clean-up to meet pay rolls and purchase supplies and if the United States assay office at Helena is discontinued small properties, now running on a close margin of profit, might be compelled to shut down; and

Whereas it is the aim of this organization to protect the mining interests of Montana and those engaged in its various branches: Therefore be it

Resolved, That we, the Montana Mining Association, respectfully protest against the abolishment of the United States assay office at Helena and urge upon you the claims hereinabove set forth as our reasons for taking this position.

Resolutions of Miles City Chamber of Commerce.

Whereas it has come to our notice that there is a movement on foot to curtail or discontinue entirely the refineries connected with United States mints and to abolish all United States assay offices; and

Whereas the United States assay office at Helena, Mont., is of vital importance to the gold miners and prospectors of this State, in that here they may dispose of their product and receive prompt payment for its value; and

Whereas it is particularly the individual miner or small operator who is thus benefited, since many of these depend upon immediate returns from each clean-up to meet their pay rolls and purchase needed supplies; and

Whereas to discontinue the assay offices and refineries would be to place these miners and prospectors at the mercy of pawnbrokers and custom smelters and refineries where the charges are so exorbitant that many small properties now running at a decent profit would be compelled to shut down; and

Whereas the Helena assay office especially is the center of a mining district so located that a large number of miners, prospectors, and other persons are directly and indirectly benefited thereby: Therefore be it

Resolved, That the Miles City Chamber of Commerce protests most earnestly against any curtailment of the operations of this office or with the refineries connected with the United States mints; and be it further

Resolved, That our delegation in Congress be urged to use their influence in carrying out our wishes as expressed above.

HON. CHAS. N. PRAY,
Washington, D. C.

HELENA, MONT., January 6, 1912.

DEAR SIR: It has been brought to the attention of the Helena Commercial Club that the Secretary of the Treasury in his annual report recommended the discontinuance of several of the western assay offices, including the office at Helena. As, after most careful investigation, we are convinced that the assay office at Helena is of vital importance to the mining industry in this section of the country, we wish to protest against its abandonment, and we ask your assistance to this end.

At the present time there is a marked revival of gold mining in this territory, and a great many small properties are preparing to start operations within the next year. The Helena assay office now serves a large number of small customers, and in this respect differs from nearly all other assay offices in the West. Many of the mines are remote from the railroads, and the small operators would be most hurt by the abolition of the Helena office. The small concerns often can not meet their pay rolls or the individual miners their living expenses until they receive returns on their clean-up. At present they can deposit their product at Helena and receive cash within two days. Without this office they would be compelled to dispose of their bullion at heavy discount to some dealer or else ship it to the mints and wait an indefinite time for returns.

The Helena assay office was established in 1874, and the number of depositors has ranged from 500 to 1,000, and the bullion produced annually amounts to over \$2,000,000. To produce this amount of gold requires a vast amount of labor, and a large number of persons in all parts of the State are accommodated and their operations made possible by procuring prompt returns for their product. We are confident that if this office is closed a great many small producers will be forced out of business, and especially those operating cyanide process, where the bullion is frequently impure and has to be refined before reaching the standard required by the mint. Under the present arrangement the assay office refines the bullion, making only a small charge therefor, and then assays and immediately pays for the refined bar.

We believe the public benefits derived from the maintenance of this office are so great in comparison with the small cost to the Government of maintaining the same that we strongly recommend that it be maintained, and we earnestly request and urge that you do everything possible to secure the necessary appropriations to this end.

Very respectfully,

HELENA COMMERCIAL CLUB,
By H. G. PICKETT, President.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and

after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury.

Mr. RAKER. Mr. Chairman, I move to strike out lines 21 to 25, page 62, and lines 1 to 9, on page 63. The amendment is already adopted to do away with this and change this condition.

Mr. JOHNSON of South Carolina. I beg the gentleman's pardon. It does not do anything of the kind.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out lines 21 to 25, page 62, and lines 1 to 9, on page 63. Does the gentleman from South Carolina desire recognition?

Mr. JOHNSON of South Carolina. Yes, Mr. Chairman. This legislation is asked for by the Secretary of the Treasury, who has attempted to readjust the force in these mints and subtreasuries, and he is asking for this legislation in order that the titles may conform to the duties.

Mr. HUMPHREY of Washington. What effect will that have on the amendment which has been adopted as a substitute?

Mr. JOHNSON of South Carolina. None at all. This is separate legislation.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from California [Mr. RAKER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RAKER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from California asks for a division.

Mr. RAKER. No, Mr. Chairman; I withdraw my motion.

The CHAIRMAN. The gentleman from California withdraws his motion. The amendment is rejected. The Clerk will read.

Mr. JOHNSON of South Carolina. Mr. Chairman, that entire section has been read and stricken out, and the substitute offered.

The CHAIRMAN. The gentleman from South Carolina is mistaken. That portion of the bill was not considered.

Mr. JOHNSON of South Carolina. Yes; I beg the Chair's pardon. The Chair is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mint at Denver, Colo.: Superintendent, \$4,500; assayer, \$3,000; superintendent melting and refining department, \$3,000; superintendent coining department, \$2,500; chief clerk, and cashier, at \$2,500 each; deposit weigh clerk, and bookkeeper, at \$2,000 each; assistant assayer, \$2,200; 2 clerks, at \$2,000 each; assayer's assistant, \$2,000; assistant cashier, \$1,800; 2 clerks, at \$1,800 each; 4 clerks, at \$1,600 each; 2 clerks, at \$1,400 each; 1 clerk, \$1,200; private secretary, \$1,200; in all, \$47,200.

Mr. CULLOP. Mr. Chairman, I reserve a point of order, to ask the gentleman a question. Is this an increase of salary in this section just read?

Mr. JOHNSON of South Carolina. There is an increase in the appropriation.

Mr. CULLOP. Will you restore them to the old salaries, inasmuch as the new provision has been stricken out now? They ought to be restored as they were before.

Mr. JOHNSON of South Carolina. No.

Mr. CULLOP. I make the point of order, Mr. Chairman, that there is an increase of salary without warrant of law.

The CHAIRMAN. The gentleman from Indiana will please designate the point wherein the salary is increased.

Mr. CULLOP. In order to do that I will have to ask the gentleman what the old salaries were.

Mr. FITZGERALD. What is the gentleman's point of order?

Mr. CULLOP. That these are increases of salary from line 10 to line 19. I have just asked the gentleman from South Carolina [Mr. JOHNSON], in charge of the bill, and he says there is an increase.

Mr. FITZGERALD. There is no increase of salary.

Mr. CULLOP. The gentleman from New York says it is not an increase of salary, while the gentleman from South Carolina informed the committee that it was.

Mr. JOHNSON of South Carolina. "The gentleman from South Carolina" never said that. There was an increase in the total amount, which goes to the workmen for wages.

Mr. CULLOP. If that is the only increase, then I will not insist on the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mint at Philadelphia: Superintendent, \$4,500; engraver, \$4,000; assayer, \$3,000; superintendent melting and refining department, \$3,000; superintendent coining department, \$2,500; chief clerk, \$2,500; assistant assayer, \$2,200; assistant superintendent of melting and refining department, \$2,000; cashier, and bookkeeper, at \$2,500 each; 1 clerk,

and deposit weigh clerk, at \$2,000 each; assistant cashier, and curator, at \$1,800 each; 2 clerks, at \$1,700 each; 8 clerks, at \$1,600 each; 1 clerk, \$1,500; 6 clerks, at \$1,400 each; 1 clerk, \$1,300; 3 clerks, at \$1,200 each (including one formerly paid from "parting and refining"); 5 clerks, at \$1,000 each; 1 clerk, \$900; in all, \$73,200.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on this paragraph, and desire to call the attention of the chairman of the committee to the assayer's salary.

Mr. JOHNSON of South Carolina. I suggest that the gentleman make his point of order, if he has any.

Mr. FOWLER. There is no provision for an engraver at the Denver mint, but there is one at the Philadelphia mint, at \$4,000. I will be glad to have information from the chairman of the committee as to whether this engraver is a new office or not?

Mr. JOHNSON of South Carolina. It is not a new position. It is the current law.

Mr. FOWLER. I withdraw the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 64, strike out all after and including the figures \$73,200, on line 13, and insert the following:

"At Philadelphia: Superintendent, \$4,500; engraver, \$4,000; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk, \$2,500; assistant assayer, \$2,200; assistant coiner, \$2,000, and \$500 additional during present incumbency; assistant melter and refiner, \$2,000; cashier, and bookkeeper, at \$2,500 each; clerk, and deposit weigh clerk, at \$2,000 each; assayer's assistant, \$2,000; assistant cashier, \$1,800; curator, \$1,800; 2 clerks, at \$1,700 each; 8 clerks, at \$1,600 each; 1 clerk, \$1,500; 6 clerks, at \$1,400 each; 2 clerks, at \$1,300 each; 2 clerks, at \$1,200 each; 7 clerks, at \$1,000 each; 1 clerk, \$900; in all, \$80,300."

Mr. MOORE of Pennsylvania. Mr. Chairman, is this amendment debatable?

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, a little while ago I endeavored to explain the purpose of this amendment. It was to restore a statutory office that was cut out of the bill by the committee—

Mr. JOHNSON of South Carolina. Mr. Chairman, I will say to the gentleman from Pennsylvania that by reason of the completion of the smelting plant and the enlargement of the assay office in New York the Secretary of the Treasury contemplates that there will be less assaying to do at the Philadelphia Mint. The force as provided in this bill and the salaries as provided in this bill are as recommended by the Secretary of the Treasury.

Mr. MOORE of Pennsylvania. Then it is true, notwithstanding all that has been said about the apparent preference for the Philadelphia Mint, that the refining department is to be taken away and to be included in the New York plant?

Mr. JOHNSON of South Carolina. Largely so. Most of the bullion is brought into the port of New York. It is brought in large quantities for commercial purposes, and if you send it to Philadelphia there must be express paid on it. So the Secretary of the Treasury thinks it is unnecessary to go to the expense of sending it over to Philadelphia and back to New York, and I think he is right.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am aware that the committee is supported in the bill it has presented by the recommendations of the Treasury Department. I desire to have that fact clearly understood. Still it is my duty to present this amendment, with a view of enforcing the law as it was enacted in 1873. The committee abolishes the office of coiner, which was created by statute in that year, and in the process of consolidating branches of the work has appointed a superintendent at a different salary. I want to lay this matter before the House in justice to the Philadelphia Mint and to the necessities that there exist. In response to my friend from Indiana [Mr. CULLOP], to whom I made reference a little while ago, I should like to read just what it means to economize at the Philadelphia Mint, or at any other mint in this country.

The report of the Director of the Mint for 1911 contains this statement with regard to the work done at the mint at Philadelphia:

The fiscal year ended June 30, 1911, was remarkable in that there were made at this mint 176,076,529 pieces of 1 and 5 cent coins, amounting in value to \$3,866,288.09, the largest amount of minor coin ever made in any fiscal year at the mint in Philadelphia. This coinage has increased in the number of pieces from 101,301,753, made in 1900, to 176,076,529, made in 1911.

That pertains only to minor coins. We produced at the Philadelphia Mint upward of \$37,000,000 in gold, silver, and minor coins, and these coins have been made, as well as safeguarded, by labor that is there employed.

I do not like to see labor thrown out of employment, and that is the reason why I answer the gentleman from Indiana [Mr.

CULLOP], who spoke a little while ago of the preference given to the Philadelphia Mint. I would rather keep labor employed than to stand here enacting legislation to throw labor out of employment. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, there is no labor thrown out of employment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken; on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 30, noes 53.

Accordingly the amendment was rejected.

The Clerk read as follows:

Assay office at San Francisco, Cal.: Superintendent, \$4,500; assayer, \$3,000; superintendent melting and refining department, \$3,000; chief clerk and cashier, at \$2,500 each; bookkeeper, \$2,000; assistant assayer, \$2,200; 2 clerks, at \$2,000 each; assistant cashier and assistant bookkeeper, at \$1,800 each; assayer's assistant and deposit weigh clerk, at \$2,000 each; 2 clerks, at \$1,800 each (including 1 formerly paid from "parting and refining"); 4 clerks, at \$1,600 each; private secretary, \$1,400; 2 clerks, at \$1,400 each; 1 clerk, \$1,200; in all, \$40,700.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire now to return to page 31 of the bill, which we passed by unanimous consent.

Mr. RAKER. Mr. Chairman, I object.

Mr. JOHNSON of South Carolina. The gentleman can not object, because I have unanimous consent to go back at any time.

The CHAIRMAN. If the Chair may have the attention of the gentleman from South Carolina, his request is in order, but there are three other paragraphs on that page which have not been disposed of.

Mr. FITZGERALD. They may take considerable time.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent—

Mr. JOHNSON of South Carolina. No; we already have unanimous consent. We obtained that this morning—to return to this section at my pleasure.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. If we return to the other page now will we not lose the opportunity to move to strike out this paragraph?

The CHAIRMAN. The Chair will say to the gentleman from California that the three remaining paragraphs on page 65 have not been read, and therefore have not yet been passed upon. They will have to be read and passed upon before the bill is disposed of.

Mr. RAKER. Before we return to the other page, I move to strike out lines 20 to 25, on page 64, and lines 1 to 5, both inclusive, on page 65, the paragraph just read.

Mr. FITZGERALD. The gentleman from South Carolina has authority at any time to recur to these other paragraphs, and, having made the request, the gentleman from California can not take him off the floor for this purpose.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry, so there can be no misunderstanding. Will my motion be pending to strike this out when we return to this part of the bill?

The CHAIRMAN. The Chair will recognize the gentleman to make that motion when we recur to this part of the bill. Of course, the gentleman from South Carolina [Mr. JOHNSON] has the right, under the order made this morning, to return to the other part of the bill.

Mr. JOHNSON of South Carolina. Mr. Chairman, I send to the Clerk's desk an amendment to be read. I ask unanimous consent to make a statement before it is read.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to make a statement before the amendment is read. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. The amendment I have sent to the Clerk's desk covers the Bureau of Trade Relations, the Bureau of Manufactures, and the Bureau of Statistics. It is not perhaps one amendment, but I desire to have it read as a whole in order that Members may be in possession of what it is intended to offer.

The CHAIRMAN. Will the gentleman from South Carolina state if this is offered as one amendment or as separate amendments?

Mr. JOHNSON of South Carolina. We will offer it as one amendment.

Mr. GILLET. Mr. Chairman, I prefer to have it considered separately. I am willing it should be read as a whole. I will ask, Mr. Chairman, if an amendment can be offered as one amendment that covers different pages of the bill?

The CHAIRMAN. The amendment may be read, and then, if a point of order is made, the Chair will determine the question.

The Clerk read as follows:

Page 31, in lines 17 and 18, strike out the words "Chief of Bureau of Manufactures and Trade Relations, \$2,500."

Page 32, strike out lines 11 to 25, inclusive, and on page 33, lines 1 to 23, inclusive.

Page 125, strike out all of lines 3 to 20, inclusive, and insert on page 125, after line 2, the following:

"That hereafter the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce."

"The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce."

"Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it 'to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece, and hours employed per day, and the profits of manufacturers and producers of such articles, and the comparative cost of living and the kind of living, what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices,' are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress."

"Bureau of Foreign and Domestic Commerce: Chief of bureau, \$4,000; assistant chiefs of bureau, 1 at \$3,000, 1 at \$2,750; chief of division of consular reports, \$2,500; stenographer to chief of the bureau, \$1,600; clerks—7 of class 4, 5 of class 3, 1 at \$1,500, 11 of class 2, 14 of class 1, 17 at \$1,000 each, 11 at \$900 each; messenger; 5 assistant messengers; 4 laborers; laborer, \$450; in all, \$102,610."

"To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, \$10,000."

Mr. PALMER. Mr. Chairman, I make the point of order against the amendment that it is new legislation and does not come within the terms of the special rule adopted for the consideration of this bill.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, as I understand the proposition contained in this amendment, which I first saw only about an hour ago, it wipes out of existence the present organization in two of the departments and consolidates them in one new bureau, and gives to this bureau exactly the powers that are now being employed by what is known as the Tariff Board.

The proposition as I understand it, although my information comes only from the public prints, is that the Committee on Appropriations proposes in the sundry civil bill to kill the present executive Tariff Board by refusing to make an appropriation for its continuance. That proposition I agree with. But this is simply an effort by amendment to this bill to establish a new executive tariff board to take the place of that which they propose to abolish, by refusing the appropriation in the sundry civil bill.

The amendment offered, Mr. Chairman, as I understand it, not only makes new appropriations for the several positions named, some of which are not now named in the law, but it fixes the duties of the new bureau under a new name, to be known as the bureau of foreign and domestic commerce. It provides that hereafter the Bureau of Manufactures in the Department of Commerce and Labor shall be known as the bureau of foreign and domestic commerce. It consolidates the Bureau of Statistics in the Department of Commerce and Labor with this newly created bureau, to take effect on July 1, 1912, and transfers the duties which are now required of that bureau to this new bureau.

But more than that, Mr. Chairman, while very cleverly repeating certain language contained in the law now on the statute books creating the Department of Labor, which gave to one bureau in that department certain powers, it adds to that language the following:

And it shall be also the duty of said bureau of foreign and domestic commerce to make such special investigation and report on particular subjects when required to do so by the President, or either House of Congress.

That, Mr. Chairman, is not in the act of 1888, but is a virtual transcript of the Tariff Board law which was turned down in this House in the recent past. It seems to me perfectly clear,

Mr. Chairman, that this attempt to create an executive tariff board by the consolidation of two executive bureaus, under a new name, coupled with the revivifying of a certain law which has been obsolete for 25 years, and the addition thereto of new duties which do not appear in the law, makes the amendment clearly out of order as new legislation.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this amendment offered as a committee amendment, authorized by the Committee on Appropriations?

Mr. JOHNSON of South Carolina. No, sir; there has been no formal meeting of the committee. There was a meeting of the majority of the committee, but there was no formal meeting of the committee, and it is not offered as a committee amendment.

Mr. MANN. The rule provides for any committee amendment.

Mr. FITZGERALD. No; that was not adopted in the rule.

Mr. PALMER. The rule under which we are operating is found on page 5889 of the RECORD of May 4, and clearly does not provide for this sort of an amendment.

The CHAIRMAN. The Chair will ask the gentleman from Pennsylvania to address himself to the proposition as to whether or not this amendment as a whole operates as a reduction in the amount of money covered by the bill.

Mr. PALMER. Well, Mr. Chairman, I am not able to say about that. This amendment appropriates \$102,100, I think.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that what he desired to call his attention to was the fact that the exception to legislation on appropriation bills, as provided by Rule XXI, clause 2, is that such legislation is germane; and then, also, such legislation as reduces the amount of money covered by the bill, so it seems to the Chair that is a pertinent question.

Mr. PALMER. Mr. Chairman, the amendment provides, however, for certain things to be done which doubtless will require very much more expenditure than the mere salaries of a few of these officers who are named in the bill. There is not anything on the face of the amendment which shows that it will be a reduction in the expenditure by appropriation, and unless that appears it seems to me that it is out of order.

The CHAIRMAN. That is the point on which the Chair would like to hear the gentleman.

Mr. PALMER. In addition to that, Mr. Chairman, I doubt very much if the proposition to create a tariff board—for that is what this proposition is—can be held to be germane to an appropriation bill or to the subject matter of this bill provided for the transfer of the Bureau of Statistics to another bureau.

Mr. FITZGERALD. Let me ask the gentleman, Does the gentleman contend there is anything in this provision so far as collating information is concerned that it is not now authorized by law?

Mr. PALMER. I think this language, "and it shall be also the duty of said bureau," and so forth, is new.

Mr. FITZGERALD. I think not; it is contained in the act of 1888 with the same provision—

Mr. PALMER. No; the act of 1888 is quoted in the amendment.

Mr. FITZGERALD. Only part of that provision is quoted in the amendment and only that part of the duties enumerated in the act of 1888 that would be particularly pertinent to this bill is taken out of the Bureau of Labor. There are other duties enumerated there that are left with the Bureau of Labor.

Mr. PALMER. That is very true, but the section of the act of 1888 which is quoted provides for the duties of the Bureau of Labor, and that is adopted by this committee now. It is, as I said awhile ago, a law which has been obsolete for 20 years or more, as the gentleman from New York is perfectly aware.

Mr. FITZGERALD. No; I think not; I think any law is a law. Law is law.

Mr. PALMER. Well, the duties of that bureau specified in the act of 1888 have never been performed and no appropriation, at least sufficient to perform them, has ever been made, and that fact of itself, Mr. Chairman, is pretty good evidence that this amendment will increase expenditures, because if these duties are to be performed, if this proposition is in good faith, it will cost the Government of the United States a great deal more than \$102,000, which is the total sum appropriated for this specific office. But after quoting that language from the act of 1888, carrying the duties of this Bureau of Labor, the amendment adds language that is absolutely new and which was only, as I understand it, put in the amendment to-day after conference with some Members whose support of it was

secured by the addition of this new language, and that clearly makes it new legislation.

Mr. ADAMSON. Will the gentleman yield to me for a suggestion?

Mr. PALMER. Certainly.

Mr. ADAMSON. There is a very disorderly irregularity of language, Mr. Chairman, which I resent—

Mr. PALMER. By myself?

Mr. ADAMSON. No, sir; not by the gentleman from Pennsylvania. The gentleman from Pennsylvania is always perfectability in the use of language, as well as in ideas. [Applause.] Foreign and domestic—there is no such thing known to the Constitution as domestic business. It is interstate and foreign, and if we are going to name any such board as this we ought to name it according to the Constitution, "interstate and foreign."

Mr. GILLETT. Mr. Chairman, I wish to make a further point of order, inasmuch as it is impossible for me to assume how the Chair will rule on this point of order. The further point of order is that it is not legitimate to include in one amendment striking out, on page 32, lines 11 to 25, and then have the rest of the amendment applying to page 125; and it illustrates, it seems to me, clearly the impropriety of so joining amendments. Suppose, for instance, the committee or any gentleman on the floor wished to put in a bill an entirely new office. Could he put in an amendment saying there is hereby established a new office, and then couple with the amendment a provision striking out, for instance, all the mints, and then claim that although that applied to an entirely new subject, yet because the amendment as a whole produced an economy, therefore it was in order? It seems to me that would be entirely improper. We are reading this bill for amendment, and an attempt is made here to strike out provisions under the State Department and thereby produce an alleged economy, and then by weight of that economy to say that the amendment as a whole comes under the Holman rule, whereas I claim that the two provisions are entirely independent; that they are in different parts of the bill and can not be treated as one amendment.

The CHAIRMAN. The Chair would like to ask the gentleman, Does this amendment offered strike out a portion of the bill on pages 32 and 33 and also on page 125 specifically?

Mr. GILLETT. That is the amendment as I have it.

The CHAIRMAN. Let the Chair pass on one proposition at a time, without taking up the other. The request of the gentleman from New York this morning was:

I ask unanimous consent that when we return to the provisions on page 33, line 5 to line 23, which were passed over, that we shall also consider the provision on page 32, commencing with line 11 and running down to and including line 4 on page 33. They are all interrelated.

Unanimous consent was granted that that should be done. The Chair would hold, then, you could offer one amendment to this provision on pages 32 and 33, and that you could offer one amendment which might relate to those things on page 125; but you could not strike out page 125 until you reached it. The Chair will sustain the point of order, so far as that is concerned, and give the gentleman an opportunity to reoffer his amendment with the change.

Mr. JOHNSON of South Carolina. I offer as an amendment, on page 31, to strike out of lines 17 and 18—

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, lines 17 and 18, strike out the words "Chief of Bureau of Manufactures and Trade Relations, \$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GILLETT. Mr. Chairman, I wish to debate the amendment.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GILLETT. I want to ascertain what the purpose of the amendment is.

Mr. FITZGERALD. The gentleman submitted this very same amendment himself when this paragraph was read.

Mr. GILLETT. I want to ascertain. I have not even looked at it.

Mr. FITZGERALD. This strikes out "Chief of the Bureau of Manufactures in the Department of State," which was inserted because of the proposed abolition of the Bureau of Manufactures. I understood the gentleman was striking that out from the amendment he offered.

Mr. GILLETT. No. That is the amendment that is now offered.

Mr. MANN. Mr. Chairman, it seems to me we ought to have some understanding or agreement that would be effective. Here

is an amendment which was offered as a whole, to which a point of order was made, and the point of order sustained to the amendment as a whole. Now it is offered in division.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the ground on which the Chair sustained the point of order was that you could not amend a paragraph at the time except by unanimous consent.

Mr. MANN. I am not complaining of the ruling. I think it was correct. But here is a proposition to strike out "the Chief of Manufactures and Trade Relations, \$2,500." Of course that strikes out the head of the present Bureau of Trade Relations.

Mr. FITZGERALD. No; it does not. This was a position to be created if the Bureau of Manufactures was abolished and the work turned over to the State Department.

Mr. MANN. This is a new position entirely.

Mr. GILLETT. Mr. Chairman, I move to amend by striking out the words "Bureau of Manufactures"—

Mr. MANN. There is now the Chief of the Bureau of Trade Relations, and the only change the committee made was to change the title to the "Bureau of Manufactures and Trade Relations." Now, if we strike that office out with the expectation of providing for its duties in some other office, and then when the amendment is offered to that it is subject to a point of order, the committee will leave itself in a fairly ridiculous position. Is it not possible to have a vote on the whole proposition in some way first?

Mr. GILLETT. Mr. Chairman, I offer this amendment to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] offers an amendment to the amendment.

Mr. GILLETT. The gentleman has moved to strike out the words "Chief of Bureau of Manufactures and Trade Relations." I move to strike out from his language the words "Chief of Manufactures." I want to leave the "Chief of Trade Relations" in there.

Mr. MANN. You want to perfect the original text first by striking out the words "of Manufactures and"?

Mr. GILLETT. Yes.

Mr. JOHNSON of South Carolina. I will say to the gentleman from Massachusetts [Mr. GILLETT] that the Bureau of Manufactures we transfer from the Department of Commerce and Labor to the Department of State.

Mr. GILLETT. Exactly. You put here in this section "Chief of Bureau of Manufactures and Trade Relations." There is no such position now, and I wish to leave it "Chief of Trade Relations."

Mr. JOHNSON of South Carolina. That is right.

Mr. GILLETT. Now, Mr. Chairman, I wish to comment on this amendment. I offer an amendment to perfect the original text by striking out the words "of Manufactures and."

The CHAIRMAN. There is one amendment pending before the committee to strike out the words "Bureau of Manufactures and Trade Relations." Now, the gentleman from Massachusetts desires to amend that amendment?

Mr. MANN. No; he desires to perfect the text.

Mr. GILLETT. To perfect the original text.

The CHAIRMAN. The amendment is not in order until the other is disposed of. The Chair will recognize the gentleman for an amendment to the amendment pending.

Mr. MANN. Where an amendment is offered to strike out a part of the text, it is in order to perfect the text of the amendment to see what the committee wants to strike out.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is correct, and the Clerk will report the amendment to correct the text.

The Clerk read as follows:

Page 31, line 18, strike out the words "of Manufactures and," so that it will read "Chief of Bureau of Trade Relations, \$2,500."

Mr. GILLETT. Now, Mr. Chairman, I do not think the way this proposition is brought in is treating the House fairly. The first proposition reported by the committee was to practically strike out from the bill the Bureau of Manufactures and the Bureau of Statistics. That was what we supposed was the proposition of the majority when they came in here this morning.

That is what I supposed was the position until late this afternoon. The remark that the gentleman from New York [Mr. FITZGERALD] has made indicates that when he suggested this morning that these items should be considered together he probably then had in mind the proposition which he now makes, and very ingeniously caught us, unsuspecting, and we agreed to the proposition that these sections should be taken together.

If that is the way we are to be treated, we will not consent in the future to any such suggestion of unanimous-consent

agreements. Founded upon that, the gentleman now brings in this proposition, which entirely abolishes a large part of the organization of the State Department, that whole organization of trade relations, under which the State Department has been so successful of late years, without a word of notice, without a suggestion in the committee hearings, with no evidence at all; but apparently because popular opinion was against them in striking out the Bureau of Manufactures and Statistics, not daring to stand by their other propositions, they now are trying to cover it over and accomplish something—although a different result—to accomplish something that looks like economy. Apparently they think that the Department of Commerce and Labor is too popular with the country to allow two of its important bureaus to be taken away, and so they suddenly make a back track and allow this to come in, which abolishes part of the Department of State.

The one thing that they seem to be intent upon is to strike at some department. Now, I do not think it is fair to the minority or fair to the committee that a portion of a committee should bring in such an important, essential, fundamental proposition as this on an amendment concocted at a late hour in the afternoon of the day when they said the bill was to go through, with no suggestion made of it in committee, and no suggestion made of it to any minority members of the committee until it was handed to us a few moments ago in typewriting. I do not think that is a fair way to treat the minority or the committee.

Now, as to the amendment which I have offered, I think the Bureau of Trade Relations ought to remain in the Department of State. I think it has proved to be of the greatest value to the country, and I think that any proposition to strike it out is most unfair, particularly if such a proposition is brought in in this way, without any evidence or without any previous suggestion. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am not accustomed to treating Members unfairly, or of taking advantage of them, or of being charged with so doing. No unfair advantage was taken of the gentleman from Massachusetts [Mr. GILLET]. I asked unanimous consent that the provision on page 32, commencing with line 11 and ending on line 4 of page 33, might be considered when we recurred to it.

Mr. GILLET. Will the gentleman allow me a question right there?

Mr. FITZGERALD. In a moment. If the gentleman had objected, when the bill was reported to the House, it would have been in order to have made, and a motion could have been made, to have stricken that part of the bill from it. The gentleman could not have objected, and he would have had no knowledge that it would be done.

Mr. GILLET. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. Yes.

Mr. GILLET. Has there been any suggestion that the gentleman was going to do that?

Mr. FITZGERALD. I suppose the gentleman was posted by the representatives of his own party in the administration at least as much as members of the opposite party in this House.

The investigation made by the Committee on Appropriations disclosed that there was a certain unnecessary duplication of work. All the departments insisted in each instance that their particular bureaus were the necessary bureaus. The committee was determined to eliminate the duplication and to concentrate the services that were identical in one department. It determined, upon the information it then had, to put those services in the Department of State. Since that time representatives from the Department of Commerce and Labor have come to the committee insisting that a mistake had been made, stating that there was no real objection to certain consolidations, but that, on the contrary, some of them believed that they should have been made heretofore, but that the bureau that should be maintained is the Bureau of Manufactures. And no later than yesterday, although the gentleman from Massachusetts seems to be unaware of what happened, the head of the Department of Commerce and Labor was here in this House, setting forth his views to the Members of the majority, and pointing out where he thought, perhaps, mistakes had been made, and where the services should be protected.

The Bureau of Trade Relations in the State Department has no existence in law. It was built up by the Secretary of State under the provision in section 2 of the Payne-Aldrich tariff law by which authority was given to the President to secure information about foreign tariffs, whether discriminations were being made against American manufactures and American exports, and to enable him to enforce the maximum and minimum provi-

sions of the tariff law. Since this bill was reported the committee has ascertained that the Secretary of State had made the statement that practically everything that was to have been done and which could have been done under section 2 of the Payne-Aldrich law has been done; and he has requested the Committee on Ways and Means to amend the law in certain particulars, insisting that the amendments were necessary if the Department of State was to act further under it. The committee believed that the work having been completed, not being in sympathy with the so-called "dollar diplomacy" of the administration, and information having been furnished that whatever remains to be done could properly be done by the Bureau of Manufactures, and that it was more advisable, perhaps, to put the Bureau of Statistics with the Bureau of Manufactures than with the Census Bureau, the committee remodeled its provisions, and so reported to the House.

I have no hesitation in saying—the gentlemen can indulge in criticisms if they wish—that I believe we have done the right thing. In view of the information we had before, we were justified in the previous recommendations. In view of the information we have now I believe that the committee made a mistake, and I am not afraid to say so. I believe that the readjustment of the service proposed in these amendments will make the service more efficient and will promote the interests of the commerce of the United States. That is all there is to it. The committee now propose to drop the entire force in the Department of State, built up under the pretext that there was a necessity for it by reason of certain provisions in the Payne law, and under an appropriation of \$100,000 contained in a deficiency act passed two or three days after the Payne-Aldrich bill was approved, as a result of which there was organized the Bureau of Trade Relations in the State Department. Among other places there was created the position practically of diplomatic peace officer. The gentleman who held that position has recently departed this life. He was utilized by the Department of State to smooth out the difficulties among our Central and South American neighbors. A number of other positions were created for which I believe there is no authority, and which I believe it desirable to terminate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. PALMER] speaks about the committee creating a new tariff board. I deny it. In 1888 a Democratic Congress passed the law relating to the Department of Labor. Among other things, it imposed upon the Department of Labor the particular duties which we now propose to transfer to the Bureau of Manufactures. At that time the Commissioner of Labor, although not a Democrat, was Democratic in his tariff views, and Republican administrations refused to permit him to engage upon any of the work authorized. There exists now a Bureau of Manufactures, and certain duties heretofore imposed upon a Bureau of Labor that have no real relation to the work of that bureau, but would be pertinent, if they were to be performed at all, to the Bureau of Manufactures and should be transferred to it. The committee deemed it desirable to transfer those duties to this bureau, so long as it was engaged in the work of consolidating and rearranging the duties of these different bureaus, into the bureau where the work properly belongs.

The gentleman is erroneous in his statement that new duties have been imposed upon the bureaus by the language to which he calls attention, authorizing investigation to be made in response to directions of either House of Congress. That language is also taken from the act of 1888, although it is not put in quotation marks in the provision as written, but it is in the act of 1888 nevertheless. The Bureau of Labor now exists, and it is within the authority of the President or of either House of Congress to direct the Commissioner of Labor to make such investigations, to make special reports on the particular subjects enumerated, whenever required to do so by the President or either House of Congress, or whenever the commissioner believes the subject in question requires investigation and report. It is to be presumed that the particular investigation to be made would be along the lines of the authority conferred upon the Commissioner of Labor by the act.

I have no hesitation in saying that I am opposed to the present Tariff Board, and I shall not vote to make appropriations for it. If there be some organization which from time to time can secure information under the direction of the

Congress, which information may be required in the work of preparing tariff or any other bills, I am perfectly willing to have it. I do not believe we are creating a tariff board in the sense in which I have antagonized and opposed one—a tariff board or instrumentality created by and subject to the Executive, and not under the control of the House of Representatives, where tariff legislation originates.

The Commissioner of Labor, under the act of 1888, has from time to time made special investigations in matters affecting labor, under the direction of both Houses of Congress, and the investigations have always been of a satisfactory character.

In preparing tariff legislation a great mass of information is now obtained, and called for by the Committee on Ways and Means, from various bureaus of the Government which have special facilities and capacity for obtaining the information. I have never known that committee, under any administration of the House, to refuse to ask for or to accept such information simply because it had been compiled by a bureau in one of the executive departments. The amendment proposed by the gentleman from South Carolina at this time is not, however, involved in that question. It involves only the question as to whether the bureau in the Department of State shall be continued, presumably performing duties created under the Payne-Aldrich Tariff Act, but which can not further be performed unless the request of the Secretary of State for further legislation be granted by amendment of the law. It makes no difference to me whether the amendment of the gentleman from Massachusetts be adopted so long as the committee goes further and strikes out the balance of the language in the clause.

Mr. PALMER. Mr. Chairman, I am one of those in the House who have confidence in the work of the great committee of the House, and I have been extremely loath at all times to oppose anything which is brought out after full and fair discussion and consideration by one of the committees. And especially would I hesitate to oppose any proposition which had received the full and careful consideration of the great committee presided over by the gentleman from New York [Mr. FITZGERALD]. But in presenting my opposition to this proposition I respectfully submit that I am following the Committee on Appropriations in their deliberate judgment and refusing to follow that committee in their hasty and eleventh-hour judgment. I am for the bill brought out by the Committee on Appropriations. I would transfer this Bureau of Statistics to the Census Department, and I would do all the other things which the distinguished gentleman's committee have reported to the House after full and fair hearing.

But here is a proposition which, so far as I can learn, was born this afternoon in a corridor of the Capitol, and I assert that its only purpose is to create an executive tariff board to take the place of a tariff board which the gentleman's committee have already given notice will be killed when the sundry civil bill is reported to the House.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PALMER. Yes; I will yield.

Mr. FITZGERALD. I do not care to have pass unchallenged the gentleman's statement that this recommendation was born this afternoon in a corridor of the Capitol. That is not a fact.

Mr. GARNER. Will it create a tariff board, as suggested by the gentleman from Pennsylvania?

Mr. FITZGERALD. I do not believe it will.

Mr. PALMER. I think I can show that it will.

Mr. Chairman, the gentleman says it was not born to-day. I do not know when the idea originated in the gentleman's mind, but I do know that a large majority of the committee which would have charge of the legislation affecting the creation of a Tariff Board never heard of this proposition until after the House met to-day. It was never submitted to them.

I have gone along very willingly during this session in support of rules which have sustained the efforts of the Committee on Appropriations in writing new law on the statute books. I have gone along with them upon that, but I must say that I hesitate when, upon a great political question such as this, whether we shall have an executive Tariff Board in this country or not, I am asked to subscribe to the proposition that the Committee on Appropriations, in an unofficial meeting, as the gentleman himself admits, shall write law into the statute books and make a policy for the Democratic Party.

The gentleman says that it is not a Tariff Board. Why, Mr. Chairman, if you read these provisions of law which are incorporated in this amendment as the duties of this new bureau, you will see that every duty which the present executive Tariff Board has to perform, and does perform, is incorporated within the range of the duties of this new bureau.

The distinguished chairman of the Ways and Means Committee has said several times in the House and before the

country—and no man, Mr. Chairman, can speak the mind of the Democratic Party of the country with greater precision than he [applause]—the gentleman from Alabama has said that the present Tariff Board is a body of clerks of the President. How much more true would it be, with these subalterns in this little bureau, charged with all these great and important duties of the Tariff Board, appointed by a subordinate officer of the President—by the administration—how much more true would it be that then we could consign to a body of clerks the duties which are now exercised by the Tariff Board?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. PALMER. Mr. Chairman, this amendment incorporates the duties of the Commissioner of Labor as prescribed by the act of 1888, into the duties of a new bureau. The gentleman from New York says that all of it is existing law. That may be true, but however the gentleman may refine about the technicalities of the situation—and the gentleman knows it as well as anybody—ever since that law was passed it has been a dead letter upon the statute books. If it were not so, there would not have been the slightest reason for the Republican Party in the last Congress to form a tariff board, because there was a bureau charged with all the duties which it was necessary for them to put into a new tariff board in order to show the country that they were in favor of such a proposition.

Mr. GARNER. Will the gentleman yield?

Mr. PALMER. I will yield to the gentleman.

Mr. GARNER. This provision, if I am correctly informed, only carries an appropriation of \$100,000. Would that be sufficient to conduct a tariff board as now conducted under the present law?

Mr. PALMER. It probably would not, and neither would it be sufficient to perform the duties covered by this amendment. You will find, if this bureau gets to work and undertakes in good faith to do the things that the amendment calls for it to do, that it will be absolutely necessary for the Committee on Appropriations to come into the House with a deficiency bill asking for an additional appropriation to pay for the performance of all these duties.

Now, Mr. Chairman, I am not one of those who believe that we should undertake tariff legislation without the assistance of experts. On the contrary, I think I have shown during my course in this Congress that I believe in expert assistance. The Committee on Ways and Means in the preparation of its tariff legislation has had that kind of assistance and has employed it constantly; and no Committee on Ways and Means which would perform its duty with fidelity to the House and the country could proceed to revise the tariff without the assistance of such experts.

But, Mr. Chairman, the power to control is in the power of appointment; and my objection to this proposition is that whatever political bias can possibly enter into the report of such a bureau on tariff questions will be the bias of the appointing power, and I assert that if any prejudice should ever get into any of the reports of the tariff board, bureau, or commission, it should be in full sympathy, not with the executive, but with the legislative branch of the Government, because it is in this House that is lodged the exclusive power of originating all this kind of revenue legislation.

I am in favor of expert assistance. I do not care whether you call it a tariff board, a revenue board, a tariff commission, or a board of statisticians. I assert that the only safe and proper plan is to have that assistance controlled—that is to say, appointed—by the Ways and Means Committee of this House, which is the committee which since the foundation of the Government has been charged with the duty of preparing the legislation that under the Constitution must originate in this House.

But, Mr. Chairman, just as soon as we enter upon this proposition we bind the Ways and Means Committee of the House, hand and foot, to views and reports in the present state of the Government control by a partisan President entirely out of sympathy and against the judgment of a majority of the people of the country. Because here in this House is reflected the opinions of the people of the United States upon revenue questions, and whatever board is charged with the duty of presenting the facts for consideration by the Congress ought to be in full sympathy with the prevailing predominant sentiment of the country as reflected in this House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HILL. Mr. Chairman, I ask that the time of the gentleman from Pennsylvania be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. PALMER. I was only going to add that I wish that we could have a board of expert statisticians who would be absolutely devoid of any political prejudice upon this subject. But human nature is human nature the country over, and the time will never come when strong American men will not have decided views upon this tariff question. We can not find any experts in the land who will not have views—yea, who will not have convictions—upon this question of raising the revenue for the Government. We may find men who will subordinate these views and these convictions to the desire to collate the facts without bias and without prejudice. We may and we may not. But it seems to me that the safe thing to do, knowing that trait in human nature, is to make sure that, whatever prejudice or political opinion may influence, the findings of fact and investigations should be in absolute and hearty accord with the judgment of the majority of our people. The people send us here to legislate on this tariff question. They do not want some clerks, as the gentleman from Alabama has so often said, to operate as a tariff board for our guidance. They want us to do it, and until the time comes when we can eliminate this feature from human nature which brings political convictions into every action of life on this question we had better play safe and be absolutely certain that whatever expert assistance we have is that which is in consonance and sympathy with the judgment of our people.

I would not oppose a board which was appointed by the House of Representatives, because that necessarily—though I would want it to be unbiased and unprejudiced—could not be charged with being opposed to the predominating sentiment of the country. I would not oppose this provision if it were under the control of the Committee on Ways and Means. I would not oppose it if it could be so changed that it would consist of clerks who would work under the direction and subject to the order of the committee which since the Government began has been charged with the duty of preparing this kind of legislation. But so long as it will be composed of clerks who may be small politicians back in the country, appointed for the purpose of rewarding them for some political support, I shall oppose any effort on the part of the Committee on Appropriations or anybody else to put this tremendous power in the hands of such a board or bureau. [Applause.]

Mr. CANNON. Mr. Chairman, this amendment in part meets my approval, in part it does not. It is a changing of front. It is an attempt to change a horse while the gentlemen in charge of the bill are crossing the stream. Now, I am entirely in harmony with one of the amendments, namely, that which consolidates the Bureau of Manufactures in the Department of Commerce and Labor and the Bureau of Statistics in the same department. I believe they can be profitably consolidated. There is a report of a very able commission recommending this, and it would have been done before this, but under the information of the Attorney General, while Mr. Straus was Secretary of the Department of Commerce and Labor, he held that the law would not permit it. This proposes to change the law and consolidate those two bureaus; but it goes further than that. It makes it impossible to expend the sum of \$69,160 that is being expended for the current year by the Bureau of Trade Relations in the State Department. It omits that and transfers the duties that are being performed in the State Department, costing \$69,160, to the Department of Commerce and Labor, but does not add the \$69,160 or any part thereof. Further than that it provides or fails to provide for \$60,000 worth of commercial agents that are now employed by law in the Department of Commerce and Labor. So we have thrown these duties upon this newly created bureau, consolidating Statistics and Manufactures, and in addition drop out the \$60,000 for commercial agents under the Department of Commerce and Labor, in a total cost of \$235,400 this current year, and the proposition is to appropriate \$102,000—decrease the amount, notwithstanding the added duties. In addition to that it takes and repeals, as the amendment shows, the authority that the Department of Labor has and forces it upon the new bureau and directs that that bureau shall perform certain duties, or have the power to perform certain duties, and proposes this additional legislation:

And it shall also be the duty of said Bureau of Foreign and Domestic Commerce to make such special investigations and reports on prevailing subjects when required to do so by the President or either House of Congress.

That is new and no money given. Oh, it looks to me like saying do certain things, and when you require a horse and a wagon and a ship and employees and agencies we will not appropriate for them. Now, it seems to me that about covers all the ground. I am inclined to think, under the special rule that has been adopted and under the so-called Holman rule, that this is in order. You have the majority on that side, and a working majority. Work your will; you are responsible. Say to this newly created bureau with its new duties perform your duties, but you shall not have the money with which to perform, and I never yet knew what it meant by Pharaoh ordering the children of Israel to make bricks without straw if straw was required, but you are requiring the same thing to be done by this newly consolidated bureau with the new duties that it has to perform. I really expect that you would really like to have the power to escape criticism by saying we have provided for all these things, and then by withholding the wherewithal to perform the functions that duty shall not be performed. [Applause.]

Mr. BURLESON. Mr. Chairman, I can not but be impressed with the belief that the gentleman from Pennsylvania is laboring under a misapprehension as to what we are endeavoring to accomplish by the pending amendment. The effort is being made for the purpose of eliminating duplication of work by the consolidating into one bureau three existing bureaus, to wit, the Bureau of Statistics, the Bureau of Manufactures, and the so-called Bureau of Trade Relations in the State Department. These various bureaus deal with certain subject matters. The so-called Bureau of Trade Relations in the State Department is chargeable with the responsibility of gathering data and aiding and advising the President in the enforcement of the maximum and minimum clause of the Payne-Aldrich Tariff Act. The Bureau of Manufactures also has certain duties to perform in connection with our tariff law and the compilation and collection of foreign tariff laws, their translation for the information and benefit of those engaged in commerce in our own country. In the preparation of the item that is now offered as an amendment by the gentleman from South Carolina we had before us a report made by a board appointed by the Secretary of Commerce and Labor having for its purpose the consolidation of two of these bureaus. We have adopted in this amendment the recommendation contained in that report.

Mr. GILLET. Will the gentleman yield?

Mr. BURLESON. I have only five minutes, but I will yield to the gentleman in a moment. As I have said, we followed the recommendations contained in that report. This bureau provided for in the amendment, the Bureau of Foreign and Domestic Commerce, they urged in lieu of Manufactures and Statistics. Mr. Chairman, another recommendation of the commission in their report was that there should be in this new bureau a division of tariffs, for the purpose of compiling or collecting the very information provided for in detail by this amendment, and against which the gentleman from Pennsylvania directs his criticism. Now, gentlemen, how can it be contended or claimed that we are attempting to create a tariff board by this amendment. In view of his record, who can charge the gentleman from New York [Mr. FITZGERALD] with being in favor of an Executive-controlled tariff board when it rests within the recollection of every man here that it was through his efforts that a Tariff Board sought to be fastened upon this country by the other side was defeated during the closing hours of the last Congress?

Mr. PALMER. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. PALMER. I suppose the gentleman from Texas agrees with the statement made that this is the law now as to the duties of the Department of Labor.

Mr. BURLESON. Yes.

Mr. PALMER. Then why in the world is it repeated in this bill that is now brought in advance of your proposition to kill the Tariff Board?

Mr. BURLESON. Because we were endeavoring to intelligently formulate a bureau to take the place of three other bureaus which now exist, two of which the Chief of the Bureau of Manufactures and the Secretary of State have said before the Committee on Appropriations were engaged in duplication of work. We are endeavoring to amalgamate the duties and responsibilities of these three bureaus into one and to add thereto the duty imposed on the Bureau of Labor in relation to the comparative cost of manufactured articles here and abroad. That is the reason. The gentleman from Massachusetts, during the preparation of the last appropriation bill, propounded the query to the Chief of the Bureau of Manufactures, "Do not you believe that this work could be better done under one department?"

meaning the work of the Bureaus of Trade Relations and Manufactures.

When this same matter was before the committee at the time the Secretary of State suggested that this consolidation was desirable, but of course he wanted the consolidation under his department. The Chief of the Bureau of Manufactures earnestly insisted it be done, admitting the work was a duplication, but he wanted the consolidation under the Department of Commerce and Labor. We knew then it was utterly impossible to get these heads of departments to agree, and now, when we have taken a report, formulated by the chiefs of these bureaus and certain eminent experts whom they have called to their assistance, and make an effort to carry into effect the recommendations contained in that report, we are charged with attempting something entirely foreign to our purpose with an effort to create a tariff board. I insist that there is no additional duty imposed upon this proposed new bureau that is not imposed upon the various bureaus we are attempting to consolidate, and a fair reading of it will drive this conviction home to any man who will take the amendment and carefully read it.

Mr. MANN. Mr. Chairman, just a word. When we created the Department of Commerce and Labor we provided in that department a Bureau of Manufactures, and in the consideration of the question as to what bureaus should be transferred to the new Department of Commerce and Labor and what bureaus should be newly created in the Department of Commerce and Labor, to a certain extent this question came up for consideration. At that time it was thought desirable that the information which should go directly to the manufacturers of the country should go through and from the Department of Commerce and Labor, which is in close touch with the manufactures of the country, and not through the State Department as formerly had been the case by the issuance of monthly bulletins by the Bureau of Consular Service in the State Department.

On the other hand, it was not desirable to place the consuls of the United States under the control of the Department of Commerce and Labor and away from the control of the State Department, because, while the consuls of the United States are in the main mere commercial agents, yet there are times when they have diplomatic duties to perform, and their reports at times, if published in the way they are made, might lead to diplomatic difficulties. And we, therefore, left in the State Department the Consular Bureau and the Consular Service to obtain the information of consuls abroad and to strike out of that information, so far as publication was concerned, those matters which might lead to diplomatic troubles, and to turn the other information over to the Department of Commerce and Labor for that department to utilize for the benefit of the country and the manufactures of the country.

Now, the proposition is to abolish what is now called the Bureau of Trade Relations in the State Department, but which is the bureau in the State Department which deals directly with the consuls and which obtains the information. As at present constituted, that bureau in the State Department when it obtains information from the Consular Service crosses out that which ought not to be made public, because diplomatic only, and turns the balance of the information over to the Bureau of Manufactures in the Department of Commerce and Labor, and that bureau publishes the information daily for the benefit of those in the country who may be interested in the matters involved. It does not seem to me feasible to abolish the control of the State Department over the consuls or over the consular reports on the one hand, nor does it seem to me feasible to abolish the control of the Department of Commerce and Labor over the publications made for the benefit of those interested in manufactures and foreign exportations in our country who are in close touch with that department.

I do not see any objection to the consolidation of the Bureau of Statistics with the Bureau of Manufactures, although I had hoped that when the Bureau of Manufactures was created it would gradually expand and become to a certain extent an expert and scientific bureau of the Government, which might not only publish information obtained from abroad for the benefit of manufacturers and manufactures, but also obtain original information in our country for that purpose. Of course, this proposition involves abandoning the idea of the Government giving any benefit to the manufactures of the country through obtaining original information in our own country.

Now, Mr. Chairman, I do not myself think that this creates a tariff board, nor do I think the gentleman from Pennsylvania [Mr. PALMER] was quite correct in believing that there was added to the power now possessed by the Bureau of Labor the power to furnish and obtain information at the request of the President or of either House of Congress, because the act creat-

ing the Department of Labor, now called the Bureau of Labor, carried the express provision in it:

That the Commissioner of Labor is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

And I do not see how the power that the Bureau of Labor now possesses is enlarged. I am not familiar with the information of the Attorney General, which was that these bureaus could not be consolidated. We carried a provision in the act creating the Department of Commerce and Labor intending to authorize the President to consolidate all statistical bureaus, with the exception, I believe, possibly of the Department of Agriculture and possibly the War and Navy Departments. It was then the expectation that these various statistical bureaus, dealing in the gathering and compiling and publishing of information, should be consolidated as far as possible and practicable. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I do not believe that anyone in this House will accuse me of favoring the creation of a tariff board. Anyone who was in the last House will at least give me the credit of having prevented the creation of one. The provision that will be proposed in a little while is not intended to create a tariff board. If, as the gentleman from Pennsylvania [Mr. PALMER] states, the gentleman from Alabama [Mr. UNDERWOOD] is best fitted to express the opinion of his party upon what should be done in this matter, it is but fair to say that he was present in all the conferences during which this provision was framed, and that it meets his hearty approval. There is no attempt on the part of the Committee on Appropriations to go afield in creating tariff boards. It was confronted with this situation. There was a power existing in one bureau of the Department of Commerce and Labor; a consolidation was being proposed of two bureaus—the Bureau of Statistics and the Bureau of Manufactures; the authority now resting with the Bureau of Labor in the Department of Commerce and Labor more properly belonged to such a bureau as is now being created, or enlarged, and the committee has proposed to place that power in this bureau.

There will not be a lot of political hacks placed in the places provided. There is no authority for appointments outside of the chiefs of the bureaus and of certain men who are now in the service, except of persons in the classified service. Any work that will be done will be the mere gathering of facts, and if the work be done the objection to the work of a tariff board will be eliminated, because whatever will be obtained will be facts and not conclusions of the men constituting a so-called board resulting from the facts. Under this provision investigation can be made at the direction of either House of Congress, and information be transmitted to Congress pursuant to any direction to make investigations; and this bureau will not be able to do what the tariff board did to the gentleman's committee this year, namely, decline to furnish facts upon which their conclusions were based.

This does no more than is now authorized. This House can never do any legislative work connected with the tariff without relying upon statistics and information furnished from some of the bureaus of the Government. The reports of the gentleman's committee are filled with statistics compiled by the Census Bureau, upon which the conclusions of the committee were reached. If such information can be obtained through some sort of a force under the same sort of management and control as is the information upon which the gentleman's committee is willing to act, I can not see any justification for the charge that an attempt is being made in a shrewd, ingenious way to create a tariff board. I have no sympathy with such a board, and I would not support a proposition for such a board. I believe my own conduct in the past is sufficient justification for the statement that I do not propose or desire or intend to create any such board.

Mr. PALMER. Mr. Chairman, is the gentleman also opposed to a board of statisticians that would be appointed by the House or by the Committee on Ways and Means to furnish information to the House?

Mr. FITZGERALD. Well, Mr. Chairman, I will say very frankly that I have read several bills that have been introduced on that subject. I made a suggestion myself that was not adopted. I suggested that the chairman of the Committee on Ways and Means ask this House for such experts as he thought the Committee on Ways and Means should have; that they be authorized by the Committee on Accounts; and that the Committee on Appropriations would then carry them in this bill. He informed me that he still had left a balance of the money given by Congress to enable his committee to obtain the infor-

mation it desired, and that at the present time it would not be possible for his committee to use additional funds if granted in that way.

Mr. PALMER. Mr. Chairman, the gentleman has not yet answered my question.

Mr. FITZGERALD. Well, I am not in favor of such a board as is proposed in the bill of the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCALL. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. Yes.

Mr. PALMER. Has the commission anything to do with bringing in this amendment?

Mr. FITZGERALD. No. It had nothing to do with it. My action was entirely impersonal.

Mr. Chairman, I was about to state, so that the House would know, what the gentleman's bill proposed to do. It was to create a board, and at the beginning of each Congress should proceed to elect three members of the board, two by the majority and one by the minority. I examined the gentleman's bill, and do not think it is a scheme that would work or would be practicable.

Mr. McCALL. I understood the gentleman to say that the chairman of the Committee on Ways and Means had informed him that the committee had not expended all of this money that had been put at their service to get information. Now, what I wished to ask was, What evidence is there that the committee got any information whatever?

Mr. FITZGERALD. Oh, if the gentleman had taken the trouble to read the reports of his own committee instead of the ridiculous reports submitted by the so-called Tariff Board, he would not have asked any such question. The committee reports are full of valuable information. They have analyzed a number of reports and a great amount of statistics obtained from many sources. I am informed that the majority of that committee are very content with the character of the information obtained. I do not suppose it would have been possible to have satisfied the gentleman from Massachusetts [Mr. McCALL] and his associates, no matter what information would have been obtained. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. GILLET].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GILLET. A division, Mr. Chairman.

The committee divided; and there were—ayes 47, noes 84.

So the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

Mr. PALMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PALMER. Is this the amendment covering the duties of this new bureau?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. GILLET. Mr. Chairman, this is simply, as I understand it, the amendment striking out the Chief of the Bureau of Manufactures.

Mr. JOHNSON of South Carolina. That is right.

The CHAIRMAN. The Chair will state that this amendment strikes out the Chief of the Bureau of Manufactures and Trade Relations. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, on page 32 I move to strike out lines 11 to 25, inclusive, and on page 33, lines from 1 to 23, both inclusive.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The Clerk read as follows:

On page 32 strike out lines 11 to 25, inclusive, and on page 33 strike out lines 1 to 23, inclusive.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PALMER. Mr. Chairman, if there is nobody to be heard in favor of the amendment, I desire recognition against it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] is recognized.

Mr. PALMER. Mr. Chairman, this amendment strikes out of the bill as reported by the committee the appropriations for the Bureaus of Manufactures and Trade Relations. I understand this amendment strikes out page 32, from line 11 down to and in-

cluding line 23, on page 33, and of course the amendment is made necessary by the subsequent amendment which the gentleman proposes to offer as soon as this is voted upon, the next amendment being the amendment to define the duties of a new bureau, which is a consolidation of two of the bureaus now in existence.

As I said a little while ago, I am in favor of transferring the Bureau of Statistics. I support the committee's bill as they brought it into the House; and therefore, being opposed particularly to the amendment which will be offered after this is voted upon, I am of course also opposed to this amendment, which strikes certain sections out of the bill.

Now, Mr. Chairman, I want to say that if anybody here had offered to me any good reason why the powers of a Tariff Board were written into this amendment, unless they expected to give those powers to this new bureau, I would not so strongly oppose this proposition. The gentleman from New York [Mr. FITZGERALD] says it is law to-day, and the gentleman from Illinois [Mr. MANN] quotes the law to-day, giving the Department of Commerce and Labor all of these powers. Then this amendment offered by the committee comes in and creates a bureau in that department and gives them the powers which they now have. What is the purpose of it? If it is in the law now, why should the Committee on Appropriations—

Mr. SHERLEY. Will the gentleman yield?

Mr. PALMER. No; I have not time.

Mr. SHERLEY. I will tell the gentleman the purpose if he will yield?

Mr. PALMER. I should like to hear it.

Mr. SHERLEY. The purpose is simply this: That having created a bureau with certain functions, we gather into that bureau all the functions that properly belong to it, among which are those now in the Bureau of Labor.

Mr. PALMER. The gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] say the department already has full charge of it under the law. If that is the law now, why should we be asked to legislate upon it? I will tell you what I think about this thing. I know the gentleman from New York [Mr. FITZGERALD] is absolutely honest and sincere in his opposition to a Tariff Board, but he is the chairman of a great committee, which proposes to wipe out the Tariff Board, and he knows that there will be in many sections of the country criticisms of that action. He is leaving a life-boat for somebody to get into, and he can still say that he is opposed to the Tariff Board. The gentleman from Illinois [Mr. MANN] favors this proposition.

Mr. MANN. I do not know whether I do or not.

Mr. PALMER. I have great respect for the learning and ability of the gentleman from Illinois, but very little for his political judgment. His decision does not affect my action on political questions of this character. Certainly his decision will never move me to favor his proposition. When the gentleman from Illinois [Mr. MANN], the minority floor leader in this House, comes forward in favor of a political proposition, submitted and supported by Democrats—I do not care what committee it comes from—I feel like quoting Virgil:

Timeo Danaos et dona ferentes.

[Applause.]

I am afraid to follow, and I will not follow upon this floor, the minority leader upon a great political question like this.

Now, Mr. Chairman, I simply submit that whatever may be the purpose of this amendment, the effect of it is going to be this, that the gentleman from Illinois [Mr. MANN] and the gentleman from Connecticut [Mr. HILL] and the gentleman from Massachusetts [Mr. McCALL] and others of these high-tariff Republicans, long devotees of an executive tariff board, will go out to the country in this fall's campaign after we have passed this amendment, and say that the Democratic Party have approved of their stand in creating a Tariff Board. [Applause.] I do not care if it does receive the approval of the distinguished gentleman from New York [Mr. FITZGERALD] or of the gentleman from Alabama [Mr. UNDERWOOD]. They are mistaken in the proposition, if for no other reason, because from the political standpoint it would be extremely unwise. If we are opposed to a Tariff Board, let us have no Tariff Board. And if, as the gentleman from Alabama [Mr. UNDERWOOD] says, we are opposed to a Tariff Board now, which is composed of clerks appointed by the President, let us not approve of a Tariff Board appointed by a political appointee of the President, subalterns in one of the departments of the Government.

Mr. MANN. You must be afraid you will not have the next President.

Mr. HILL. The gentleman from Connecticut will not go to the country this fall and make any such statement. He will make a statement of this kind, that the Tariff Board, which is

now designated as a board of clerks, was approved; that the proposition to make it what it was intended to be was approved by the gentlemen who now denounce it as a board of clerks. When the Republican Party was in the majority these gentlemen approved it, and they denounced it as a board of clerks after the Democratic Party was in the majority. Not only that, but the Speaker of this House and every Democratic member of the Ways and Means Committee voted for that proposition cheerfully and heartily in the committee on this floor, and defended it by their presence and by their voice while they were in the minority.

Mr. PALMER. Mr. Chairman, the gentleman should state the fact about it.

Mr. HILL. Just one minute. When they came into the majority and were responsible for legislation here, then they opposed the very proposition which they were in favor of before.

Mr. PALMER. That was in the Sixty-first Congress, and one Democratic member of the committee voted against the bill on the floor, and a large majority of the party on this side voted against the bill, and it was finally killed on this side; and none of the additional Democratic members of the committee now sitting in the Sixty-second Congress supported that proposition. And yet that was better than this.

Mr. HILL. Mr. Chairman, knowing the character of the men who supported the Tariff Board bill when they were in the minority, and knowing the character of the one man to whom the gentleman refers, I have not the slightest question but if he had then been associated with the Democratic leader on this floor and the present Speaker of the House he would have stood solid with them under those circumstances. It was only after they were in the majority that a different attitude was taken in regard to it. Now the gentleman says they have no use for it. We have had the Tariff Board report, and it was only a few weeks ago that the gentleman stood on this floor and said that they had had private, confidential communications and interviews with hundreds and thousands of men—he used the word thousands—interested in the then pending tariff bill, never a public hearing, not a word made public, but in private repudiating the action of the Tariff Board and holding secret conclaves with interested manufacturers in making up your iron and steel schedule. [Applause on the Republican side.] I shall tell the country that when I get into the campaign this fall.

Mr. PALMER. Well, you are welcome.

Mr. HILL. I shall tell the country another thing, that the gentleman who made that statement said that he was opposed to a nonpartisan Tariff Board, an independent bureau, but that he wanted a subattachment to the Ways and Means Committee which he himself said should be in political accord with the committee, Republican when they were Republicans, and Democratic when they were Democrats, when the country wants a fair nonpartisan presentation of the case.

I shall tell the country another thing, that he wanted when the Democratic Party was in the majority a Democratic Tariff Board in the House, and when the Republican Senate was in the majority that his plan would compel them to have a Republican Tariff Board in the Senate, for the Senate in these United States legislates on tariff questions as much as the House does. These are the things I shall tell the people, and I have not the slightest doubt that this country, which has already by the State platforms of 28 States in this Union indorsed the proposition of a Tariff Board, will indorse it again next fall and send back a Republican majority to the House. [Applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, I simply want to set right the history which has entered into this matter. As everybody knows, when the Tariff Board was proposed I fought it, and fought it with all the might and power that I had. So did the gentleman from Alabama [Mr. UNDERWOOD], who occupies the chair at this moment. I am willing to stand on the declarations made then. I could not improve them if I had unlimited time now.

The main assertion on the part of the Democrats in the minority of that Congress was that we did not object to receiving information from any source whatsoever on the tariff. We fought the Tariff Board, originally, largely on the proposition that it was to be appointed by the President and under the control of the President of the United States, responsive to him, and that we could not get the information unless he graciously permitted us so to do. I am as much against that proposition now as I was then. [Applause on the Democratic side.]

Afterwards the distinguished gentleman now occupying the chair, Mr. UNDERWOOD, and myself very largely induced the change to make the Tariff Board responsive, in the first place, to the House of Representatives and, in the second place, to

the Committee on Ways and Means, where it ought to be, because tariff bills must, under the Constitution, originate in the House. We never did indorse that proposition which the gentleman from Connecticut [Mr. HILL] asserts we did. He has asserted it before, but reiteration does not make it correct history. [Applause on the Democratic side.]

We, you and I, Mr. Chairman, more than anybody else, induced the Ways and Means Committee to change that machinery of the Tariff Board and make it responsive to the House of Representatives and the Committee on Ways and Means. Every member of the Ways and Means Committee voted for it in the committee. Afterwards one gentleman changed his opinion, as he had a perfect right to do. I am not complaining about that. But I do not propose that the gentleman from Connecticut [Mr. HILL] or the gentleman from anywhere else shall misstate the facts of history, especially the facts that I helped to make. [Applause on the Democratic side.]

Now, I will tell you how we lost out, for it is an open secret. The gentleman from Alabama [Mr. UNDERWOOD] and myself and the rest of us that had to do with that thought it was such a clear question of being right about making the tariff experts—and the thing that knocked it in the head at last was because the word "board" was used in it—we thought it was such a plain case that if tariff experts that every man recognizes can help if they are real and not bogus experts—we thought it was such a clear case of pulling Congress out of the hole that it had fallen into that we took it for granted—and it was the only time I ever took anything for granted when I was minority leader of the House, and if I was to be the minority leader for 75 years more I never would take anything else for granted again—as I say, we took it for granted that the proposition was so plain that we were rendering a public service and getting rid of an expensive incubus that we never took any pains to explain it to the Democrats or line them up, and the first thing we knew certain active propagandists on our side of the House lined up two-thirds of the Democrats against Mr. UNDERWOOD and myself and the rest of us and rolled us to a "fare you well." [Laughter and applause.]

That is the truth about that. Now, I am willing to go to the country any day on two propositions: The first one is that we do not object to getting information from any source whatsoever. Every sensible man wants it. In the second place, if the United States is going to spend money for tariff experts, they ought to get tariff experts and not a lot of politicians, great or small. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I had a little something to do about the Tariff Board myself. [Laughter.] Before we had the experience of the hearings before the committee in 1909 I opposed the tariff commission or a tariff board. I opposed it a year or two before in a speech I made to some people who waited on the late Speaker of the House and myself. We went through 8 or 10 months of pretty hard labor in the tariff hearings. I heard the gentleman from Missouri, Speaker of the House now, say that it was the hardest labor he ever did in his life, and he thought that was so with every member of the committee. He said it took from the lifetime of each member a certain amount because of the heavy work that was done in that committee; that it shortened the life of each of us.

Mr. CLARK of Missouri. And I say so now.

Mr. PAYNE. We did our best to get out the facts, Mr. Chairman; but we were not able to cover the whole tariff schedule. We were not able to cover the whole of it in a manner satisfactory to the men who made the bill. But we made a bill and brought it into the House, and all the Republican Members of the House voted for it with the exception of a single Member. He objected because he said the revision downward was too great. After my experience with our bill I changed my views with reference to a board of tariff experts who would have more time than the brief life of one Congress to get at the facts in the matter. And I announced it. I never took back anything I had said. I simply said I had changed my mind on the subject. Various bills were introduced here in the Sixty-first Congress. They were before the Ways and Means Committee. I went to work quietly by myself at first comparing those bills and studying them. Then I submitted the results of my labors to various gentlemen who had introduced bills, and we got a concurrence on the part of the majority on a single bill which was introduced and brought before the Ways and Means Committee. The gentleman from Missouri [Mr. CLARK] was there. The gentleman from Alabama [Mr. UNDERWOOD] was there. The bill was read through carefully twice in the committee so that every man might understand it, and every man had a printed copy of the bill before him when he considered it in the committee.

I asked the minority what objections they had to it, and they made but one single objection, any one of them, and that was made by the gentleman from Alabama [Mr. UNDERWOOD], and he wanted some provision in it that the results of the Tariff Board investigations be reported to the House or to Congress. When that amendment was suggested we said we would readily agree to it. The gentleman from Connecticut [Mr. HILL] offered such an amendment. The minority members of the committee asked for a little time. They went out into another room, they took the amendment and bill with them, and when they came back they said they were satisfied with the bill, with the amendment which was proposed by the gentleman from Connecticut. [Applause on the Republican side.] No one will deny that who was present at the time. Then we agreed unanimously to report that bill with the amendment.

Mr. CLARK of Missouri. If the gentleman will permit, that is exactly what I said a while ago.

Mr. PAYNE. Oh, no; not exactly.

Mr. CLARK of Missouri. There is no difference in the statement—

Mr. PAYNE. The trouble with the gentleman from Missouri is he can not make a historical statement without coloring it a little with his imagination. There is no need to do so, but he can not help it.

Mr. CLARK of Missouri. The RECORD will show my statement is correct.

Mr. PAYNE. Everything the gentleman suggests in the matter of making history is colored a little by his magnificent imagination.

Mr. HILL. The gentleman will remember the gentleman then offered to consider it by unanimous consent the very next day, and there was no objection.

Mr. PAYNE. I said there was no objection. The bill was reported the next day, and it came up very soon afterwards by unanimous consent in the House, and one gentleman of the minority, my colleague from New York, over night got cold feet and he withdrew his assent to the bill.

A MEMBER. Who was that?

Mr. PAYNE. I refer to my colleague from New York [Mr. HARRISON], who made a speech in the House against it. At any rate, we passed the bill, and passed it by a large majority in the House and sent it over to the Senate, and the Senate held it for two or three months and finally sent it back with half a dozen inconsiderable amendments. We brought it up the first opportunity we had on the last day of the session, and in order to consider it before the gavel should finally fall we had a rule brought in the House so as to vote upon those amendments—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. I ask for five minutes additional.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Then a filibuster commenced by gentlemen on that side of the aisle, striving to beat the bill by the lapse of time and before the gavel finally fell. We did our best to pass it. They called for the yeas and nays, and they had a sufficient number to order the yeas and nays. We passed it through from stage to stage until we got to the final vote, and then a conference report on an appropriation bill came in and carried it to the very limit of time, and no time was left to make that Tariff Board bill a law; otherwise it would be on the statute books to-day. But in the sundry civil bill another amendment was put in providing for a Tariff Board after a fashion, not as full as the Tariff Board we had proposed in our bill and not as well guarded; yet under that provision the President appointed five gentlemen on the Tariff Board, three of whom were supposed to be Republicans, although I believe one of them is a free trader in principle, and the other two Democrats of high standing. Those gentlemen went to work. They had the authority to make examinations upon various questions of the tariff. They went diligently to work. They spent \$300,000 or \$400,000, employed clerks and experts, and they made a tariff report to this Congress on the wool question. Why, the gentleman from Missouri [Mr. CLARK] says, "We welcome information from every source." No; he did not say that. He said, "We do not object to information from any source."

Do not object to it, but they do not receive it; they do not read it; they do not study it; they are not governed by it; and when they come to make a bill they sit around a table—the majority members—with the minority excluded from all the hearings they are supposed to have. Why, Mr. Chairman, they have declaimed against the Senate because the Senate had hearings which were not public, and yet in this Congress the Ways and Means Committee have not had a single hearing on the tariff

question but what was in a star chamber and no Republican member even was permitted to be present. They brought in their series of bills, made up by sitting around a table with the chairman or some one else reading the draft of a bill, with a supposed expert (drawing \$1,500 or \$2,000 a year)—who made up the greatest schedule in the whole customs law—they sit around the table, one member suggesting one thing and one another, and without information, apparently, on the subject they fix up their bill and bring it in the House. They submit it first to the caucus, and, on a false assumption of the amount of revenue duties and a grave blunder made by the chairman of that committee in stating to the caucus that there was a deficit when there was a surplus of about \$50,000,000, they got the bill through the caucus.

And then they bring it in here. Is there time for consideration and debate? No. They bring it in almost surreptitiously, and, without having time even to examine the details of it, they force it through and they force it through by sheer brute force, as they have every tariff bill they have brought in here from the beginning of the session. Was it an honest effort? Did they wait for information? No; nothing of the kind. It was not for an actual reduction. It was so that they could go out into the highways and say to the people of the United States that they had revised the tariff downward. It made no matter whether they put one item or a dozen items or a hundred items in the bill with a greater duty than there is in the present law or whether they cut so that importations would come in freely and take our market. They jammed it through the House and called it a downward revision of the tariff. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to close all debate on this amendment and any amendments thereto in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] moves to close debate on this amendment and amendments thereto in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLET. Mr. Chairman, we have had a very interesting experience meeting, but I think the committee is somewhat at sea as to what the amendment is that is before us. It is to strike out the section on page 32. Now, the gentleman from Texas carried the impression that that was simply the Bureau of Trade Relations. He is mistaken in that. That is not the Bureau of Trade Relations. It is far more than that. It strikes out the Director of the Consular Service at \$4,500, the counselor for the Department of State at \$7,500, the diplomatic offices at \$7,500, and many others. It strikes out \$60,000 of salary. What are those for? Those are not simply for the purpose that the Bureau of Manufactures are for. They are to carry on the business of the State Department. The gentleman from Texas [Mr. BURLESON] intimated that the Economy Commission had recommended its consolidation. He will not pretend that the Economy Commission recommended this.

Mr. BURLESON. Not the Economy Commission.

Mr. GILLET. The gentleman said that the Economy Commission had recommended that this should be stricken out. They recommended that the Bureau of Trade Relations should be stricken out. This is far more than that, and this takes out the life of the State Department.

Mr. Chairman, the gentleman from New York said that they had started on one theory and changed their minds on new evidence. I would like to know where the new evidence came from. He said the Secretary of the Department of Commerce and Labor had been here, but I venture to say that the Secretary of that department did not suggest that this Bureau of Trade Relations should be thrown out. I venture to say that he simply insisted that his bureau should be continued, and if there is new evidence it has not been given to our side of the committee. If there is new evidence on which a change of the bill should be made, the whole committee is entitled to hear and know of that evidence. Mr. Knox, the Secretary of State, was asked, when he was before the committee, what this new organization, covered in this paragraph, did, and he said:

This enables us to deal in the light instead of dealing in the dark. It is a system that is followed in all the foreign offices of the world—that is, in all the important countries of the world—and, from my observation of the system that was heretofore followed in this country and this system, I do not see how we could get along without it. It would be breaking the back of the department to break down the existing organization.

And it is that organization which this paragraph endeavors to cover, and it is that organization which this amendment attempts to strike out. It is a new organization which has been built up within three years, which has made a splendid record

in the State Department, which has developed our trade, and of which I think every American ought to be proud; and the Secretary says if we abolish that we are breaking down the system of the department; and yet the committee, or a majority of the committee, in the late hours of the afternoon, without any discussion or consultation with the minority, bring in this amendment striking out this part of the State Department. I believe it is shortsighted and dangerous policy. There must be some compensation, they think, if they are going to give us back the Bureau of Statistics and the Bureau of Manufactures, which they originally struck out.

And so now, apparently, they grope around and they find this section in the State Department, and they strike that out. They have no evidence to justify them in doing so; only secret conferences, which the gentleman from New York [Mr. FITZGERALD] referred to, and yet which he did not give us any facts concerning. He did not state what they were. That is the only basis, apparently, for this change. I claim it is unjustifiable and preposterous, and the House ought to vote it down. [Applause.]

Mr. SHERLEY. Mr. Chairman, I did not have anything to do with preparing the bill that proposed to create the Tariff Commission. You have heard some of its history. I did have something to do with the drafting and the presentation, through the Committee on Appropriations, to this House of the proposition that is now before it. That proposition is simply to consolidate the work in one bureau that is now being done, more or less, in three or four.

There is nothing new created in the way of powers. There is not a line of what the gentleman from Pennsylvania [Mr. PALMER] says constitutes a tariff board in disguise that is not now the existing law of the land and a law with a most distinguished Democratic parentage. It was when Mills was in charge of tariff matters in a Democratic House and a Democratic President was in the White House that that law was put on the statute books, and it has been Republican administrations that have permitted it in effect to remain a dead letter. When we were creating the bureau that should deal with foreign and domestic commerce and found that these duties were imposed on the Department of Labor, we felt that logically such duties should go to this new bureau; and therefore we lifted the law exactly as it appears to-day and put it in this proposed amendment, making it part of the duties of this new bureau.

Now, the gentleman from Massachusetts [Mr. GILLET] complains very greatly because we propose to dispense with a bureau in the State Department, a bureau, by the way, that never was created for or intended to be a bureau for the general purposes that the gentleman seems to indicate. It was created for the purpose of taking care of the maximum and minimum clause of the tariff law; and so far as it had duties to perform under that clause, those duties have been performed, as testified to by the Secretary of State himself. There is no reason for a longer continuation of it.

We bring simply to this House a proposition looking to economy, looking to the prevention of duplication of work, looking to the revival of a proper law existing now, a law that was put on the statute books by Democrats. The gentleman from Pennsylvania says that he does not want to follow the lead of the gentleman from Illinois [Mr. MANN], the minority leader. He is not asked to do it, but he is asked to follow the lead of the majority leader on this side. [Applause on the Democratic side.] And I ask that instead of undertaking to do his duty by choice of personnel he undertake to point out what is wrong in the proposition. I submit the proposition not because it comes from the Committee on Appropriations. It is not necessarily good because it came from there and it is not necessarily bad because it did not come from the Committee on Ways and Means. Let it stand for what it purports to be. It is easily understood by the membership of this House.

There is much talk indulged here from time to time about consideration by committees. I believe in committee consideration; but never in my service here have I asked that a thing should be supported simply because it came from a committee. This has been considered heretofore by a committee, and it is now being considered by the greatest of all committees—the Committee of the Whole House on the state of the Union—and I appeal to those Democrats whose protestations of economy mean something to support the committee in an honest effort to reorganize these departments. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for a division of the question and a separate vote on the paragraph, commencing with line 11 on page 32 and continuing down to line 4 on page 33.

The CHAIRMAN. The question is divisible.

Mr. MANN. Without objection, Mr. Chairman, I ask to have the language read, so that the House will understand.

The CHAIRMAN. The Chair will submit the proposition in two amendments, they being divisible. Without objection, the Clerk will read from line 11 on page 32 to line 4 on page 33. That will be the first one to be put before the House.

The Clerk read as follows:

Advancement of commercial and other interests as provided in the act approved August 5, 1909, and March 4, 1911; Director of the Consular Service, \$4,500; counselor for the Department of State and resident diplomatic officer, each at \$7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; eight officers to aid in important drafting work, four at \$4,500 each and four at \$3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin, American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, \$3,000; law clerk, \$2,500; clerks—one of class 4, three of class 3, two of class 1, three at \$1,000 each; three assistant messengers; in all, \$69,160.

The CHAIRMAN. The question is on striking out the language that has been read by the Clerk.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask a division.

The committee divided; and there were—ayes 74, noes 52.

So the motion to strike out the language read, beginning on page 32, line 11, down to and including line 4 on page 33, was agreed to.

The CHAIRMAN. The amendment now before the committee is to strike out all that portion of the bill from page 33, line 5 down to and including line 23. The question is on agreeing to that amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer an amendment to page 125, to strike out all from line 3 to line 20, both inclusive, and to insert a new provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 125, strike out all of lines 3 to 20, inclusive, and insert, after line 2, the following:

"That hereafter the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce.

"The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

"Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it 'to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living and the kind of living, what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices' are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

"Bureau of Foreign and Domestic Commerce: Chief of bureau, \$4,000; assistant chiefs of bureau, 1 at \$3,000, 1 at \$2,750; chief of Division of Consular Reports, \$2,500; stenographer to chief of the bureau, \$1,600; clerks, 7 of class four, 5 of class three, 1 at \$1,500, 11 of class two, 14 of class one, 17 at \$1,000 each; 11 at \$900 each; messenger; 5 assistant messengers; 4 laborers; laborer, \$480; in all, \$102,610.

"To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, \$10,000."

Mr. GILLET. Mr. Chairman, I make the point of order that this establishes a bureau not authorized by existing law, and that it does not reduce expenses. Of course, as originally offered, when combined with the consular bureaus, striking them out, it did reduce expenses, but now there is a new department here, and the only saving is the consolidation of the Bureau of Statistics. This appropriation is much larger than the appropriation for the Bureau of Statistics.

The CHAIRMAN. The Chair would like to hear the gentleman on the question of fact as to the saving of expense. The Chair is not informed on that proposition.

Mr. GILLET. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The question being taken, the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask to recur now to page 64.

Mr. MANN. Mr. Chairman, will the gentleman yield for a moment?

Mr. JOHNSON of South Carolina. Yes.

Mr. MANN. In the amendment that was just agreed to it was provided that hereafter the Bureau of Manufactures shall be known as the Bureau of Foreign and Domestic Commerce. Would it not be better to make that "after the 1st day of July, 1912"?

Mr. JOHNSON of South Carolina. I ask unanimous consent that that amendment be agreed to.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to amend the amendment that has just been agreed to by striking out the word "hereafter" and inserting the words "from and after the 1st day of July, 1912." Is there objection?

There was no objection.

Mr. GILLET. Mr. Chairman, I have another amendment relative to the Department of Commerce and Labor, and I wish to ask the gentleman from South Carolina whether he would prefer that I offer it now?

Mr. JOHNSON of South Carolina. Oh, certainly; offer it now.

Mr. GILLET. Then, Mr. Chairman, I offer the following amendment, on page 120, line 22.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 120, after line 22, insert a new paragraph, as follows:

"To further promote and develop the foreign and domestic commerce of the United States, \$60,000, to be expended under the direction of the Secretary of Commerce and Labor."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order against that amendment, that it is not authorized by law.

The CHAIRMAN. The gentleman makes the point of order that the amendment is not authorized by law. The Chair will hear the gentleman from Massachusetts.

Mr. GILLET. Mr. Chairman, that is in the very language of the statute under which the Department of Commerce and Labor was organized. It is found on page 827 of volume 32 of the Statutes at Large.

Mr. JOHNSON of South Carolina. Mr. Chairman, I call the attention of the Chair to the fact that that same amendment was offered the other day by the gentleman from North Carolina [Mr. SMALL], and the point of order was made against it and sustained.

Mr. GILLET. This is quite different, Mr. Chairman. I will admit that it is intended to accomplish the same purpose, but the language of the amendment is quite different.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts [Mr. GILLET] as to whether there is existing law for this provision.

Mr. GILLET. Mr. Chairman, in section 3 of the law which provided for the Department of Commerce and Labor it says:

It shall be the province and duty of said department to foster, promote, and develop * * * the foreign and domestic commerce of the United States.

I think that is the language I used there.

The CHAIRMAN. It reads:

To further promote and develop the foreign and domestic commerce of the United States.

Mr. GILLET. That is the language in this section here. Of course when the Chair ruled the other day on the amendment offered by the gentleman from North Carolina [Mr. SMALL] that amendment provided that certain offices should be created. I simply follow the words of the law.

Mr. BURLESON. And give them a lump sum, to be expended as the Secretary sees fit. He can pay it all to one man if he wants to.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on the point of order?

Mr. JOHNSON of South Carolina. I do not.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GILLET. Mr. Chairman, this amendment is simply to provide what the law now provides, and I have no doubt it will be expended in the same way that the present appropriations are expended, for the maintenance of commercial agents to study trade conditions abroad and report and advance our commerce. I think the whole commercial United States is deeply interested in the work that is done by these commercial agents. I think they have shown themselves to be of great value. I think it is one of the instrumentalities by which our export trade has been

largely increased, and I think that the business of the United States is going to be more and more dependent upon and helped by the reports of these commercial agents. It is simply to continue this work, which was commenced about a half a dozen years ago by a small appropriation, which, under the influence of the value of its work, has been increased year by year. It started, I think, with \$20,000, and it has now become \$60,000 a year. It is of great value. The business world wants it. Our consular officers can not be expected to be experts in different branches of business, and this is intended to supplement them. The present committee left it out, and I hope the Committee of the Whole House on the state of the Union will reinstate it in this form.

Mr. BURLESON. Mr. Chairman, this service was provided for a few years ago because one section of our country was practically without consular representation in the service. Today we have the most efficient consular service in the world. It is thoroughly equipped and well qualified to promote the commercial interests of our country. This item was stricken out of the bill because the consular service has since that time been reorganized, and now every section of the country is fairly represented in that service, and consequently there is no real need of a continuance of these agents sought to be provided by the amendment of the gentleman from Massachusetts.

Mr. McKELLAR. Mr. Chairman, I want to say that, in my judgment, this amendment should be adopted. The reason I say that is that I happen to know something about the working of this particular department of the Government. Quite an interest has been taken in the cottonseed industry by this department, an industry in which we of the southern parts of our country are vitally interested. It is only lately that our cottonseed products have become such important factors in modern life, and they are destined to become vastly more important. Only a few years ago cotton seed were allowed to rot in the field and were considered good only for fertilizers. Now the annual crop is worth more than \$100,000,000. Of course, with greater and more numerous markets for them, their value and importance will correspondingly increase.

We have agents in nearly all European countries, some in the Asiatic and some in the African countries. They have been studying these things, and have added to our commerce and trade in our southern products. These southern products—and especially cottonseed products—are being sent, my Democratic friends, to foreign countries where they were never known to go before, because of the efforts of these agents of the Government; and I hope you will vote with me to continue these agencies, which are increasing and extending our trade in foreign lands. One of these agents, Mr. Julien L. Brode, happens to be from my State. I know him personally, and I have seen his reports, and I know of the good work that is being done. This is a comparatively small appropriation for this service, only \$60,000, and I hope that the House will agree to the amendment offered by my friend, the gentleman from Massachusetts [Mr. GILLET]. [Applause.]

Mr. MANN. Mr. Chairman, the House has already stricken out of the bill a provision for agents under the State Department for the promotion of trade relations. We have carried heretofore in the law a provision for commercial agents in the Department of Commerce and Labor, and also provision for agents under the State Department. The State Department agents have just gone out of the bill.

These commercial agents which will be covered by the amendment offered by the gentleman from Massachusetts were inserted in the bill some years ago; in the first place, I think four were provided for. I think there are probably eight altogether. They were added to from time to time at the request of the southern Members of Congress, who properly desired that cotton goods, cottonseed oil, and other products of the South should be brought to the special attention of some parts of the world, including the Orient and South America.

The trade of the United States has leaped in wonderful jumps and bounds since these commercial agents were authorized; and there has been no other one thing of equal importance in increasing our trade as the work done by these commercial agents in the Department of Commerce and Labor. They have added immensely to the foreign exports of cotton goods by bringing the attention of people abroad to the goods that we manufacture here, and by bringing to the attention of the manufacturers here the possibilities of trade abroad.

They have called attention to the use of corn meal in foreign countries, and have added largely to the price of corn in this country by reason of the use of that commodity. In various directions they have brought the attention of foreigners to products that we could furnish them, and have brought the attention of our own people to the possibilities abroad. If this

paragraph is not agreed to the Philadelphia Museum, a private institution, is practically the only institution left in the country engaged in furnishing practical information to the people generally upon which trade may be based and increased; and if the gentlemen on that side of the aisle, through mistaken apprehension of the work of these agents, dismisses them they will make, in my judgment, a grave mistake for their own good.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GILLET) there were—ayes 59, noes 29.

Mr. JOHNSON of South Carolina. I demand tellers, Mr. Chairman.

The question of ordering tellers was taken.

The CHAIRMAN. Thirteen Members have arisen, not a sufficient number, and tellers are refused. The amendment is agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that beginning with line 20, on page 64, down to and including line 10, on page 65, be stricken out. It provides for an assay office in San Francisco, and we have already provided for a mint there.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that on page 64, beginning with line 20, down to and including line 10, on page 65, be stricken out. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FINLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6658. An act to provide for emergency crops on overflowed lands in the Mississippi Valley;

S. 2356. An act for the relief of John W. Morse;

S. 5211. An act to require the registration of vital statistics in the Territory of Alaska, and for other purposes;

S. 5362. An act to reimburse the enlisted men of the U. S. S. Georgia who suffered loss through the defalcation of Paymaster's Clerk Edward V. Lee; and

S. J. Res. 75. Joint resolution to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Assay office at New York: Superintendent, \$5,000; assayer, \$3,000; superintendent of melting and refining department, \$3,000; chief clerk, cashier, deposit weigh clerk, and assistant assayer, at \$2,500 each; two clerks and assayer's assistant, at \$2,000 each; bookkeeper, \$2,350; assistant cashier and four clerks, at \$1,800 each; one clerk (formerly paid from "parting and refining"), \$1,600; one clerk, \$1,500; private secretary, \$1,400; one clerk, \$1,250; seven clerks, at \$1,000 each; in all, \$51,100.

For wages of workmen and other employees, \$80,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting department, and loss on sale of sweeps arising from the treatment of bullion, \$60,000.

Mr. RAKER. Mr. Chairman, I want to call the attention of the chairman of the committee to the fact that this item is raised \$50,000 from the appropriation of last year on account of the intended legislation, and the next item is also raised \$50,000, and another item \$4,600, which makes in all \$104,600 put in by virtue of an attempt to do away with the assay offices and mint. Is that not correct?

Mr. JOHNSON of South Carolina. It is not correct at all; there is no foundation for any such assumption. The fact is that under the law the mints and assay offices make certain charges for assaying bullion. They have been allowed to use that appropriation in employing workmen and running the assay office. The law now provides that that money shall be covered into the Treasury, and we are simply increasing the appropriation so as to provide for the force that they already have.

Mr. RAKER. One other question. This was not intended for that purpose, but was intended as an increase of appropriation necessitated by the New York office?

Mr. JOHNSON of South Carolina. It had nothing to do with the other assay offices or the mint.

I now ask that the Clerk return to page 85, the Naval Observatory, the item passed over by unanimous consent.

The Clerk read the items under the head of Naval Observatory.

Mr. JOHNSON of South Carolina. I now ask to return to section 4, page 138, for the purpose of offering an amendment. The section has already been read.

Mr. GILLET. It has been read, and I reserve the right to move to strike out the paragraph, and I now move to strike out that paragraph.

Mr. FINLEY. Mr. Chairman, I have a preferential motion.

The CHAIRMAN. The gentleman will send it to the desk.

The Clerk read as follows:

On page 138, line 6, after the word "Columbia," insert the words "except the forecasters in the Weather Bureau."

Mr. JOHNSON of South Carolina. We do not object to that amendment.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina is the question before the committee.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from South Carolina [Mr. JOHNSON] ought to be agreed to, but it illustrates what the proposition of the bill is. Here is a proposition in the bill which provides that no vacancy in the District in any office in the classified service can be filled by original appointment. No one can be appointed to a vacancy unless it is somebody already in the service. Here is the office that Dr. Wiley filled. If this provision goes into the law, that office can not be filled except by somebody now in the classified service in the District of Columbia. You can not call in anyone from the outside, although they may be in the service enforcing the pure-food law. You could not appoint anybody from the civil-service register. Take the Bureau of Standards, where they have a large number of scientists, some called physicists. If one of those gentlemen dies or resigns, there is no way of filling the place except by appointment of some other person now in that service, and in the end no way of filling the final vacancy, because there is no one qualified to fill it in the Government service, and you can not make an original appointment.

Now, do gentlemen mean that these scientific places in the Government can not be filled at all during the next fiscal year, because that is what section 4 provides, unless you propose to name janitors now in the service as scientific experts to fill some vacancies in place of somebody who dies or resigns or goes out of the service; and if the gentleman from South Carolina had not offered the amendment which he has on the Weather Bureau, if some forecaster here should leave the service you could not fill the place by appointing a forecaster who is now outside of the District of Columbia. How absolutely ridiculous such a proposition is.

Mr. JOHNSON of South Carolina. Mr. Chairman, I shall not detain the committee but a moment. We believe that in practically every bureau, in every division of the Government, the force is excessive, but the Committee on Appropriations has not sufficient information to know just where that force can be cut without impairing the public service. In order, therefore, that the force might be reduced and at the same time nobody be turned out of office, we have provided in this bill that during the next fiscal year no vacancy shall be filled except by promotion, and that would then enable the department, wherever the chief clerk or a clerk of class 4 should resign or die, to promote men all along the line. We contemplate that the vacancies would be left in the lowest grades of office. We further provide, in order that there may be no difficulty in carrying on the affairs of the Government, that the President shall have ample power, if it is found that the force is short in any particular bureau or division, to transfer men from any other bureau or any other division in the service of the Government.

Now, gentlemen, there is no trouble about it. It is intended to carry on the work of the Government in an efficient way. It is intended at the same time, by not filling vacancies by original appointment for a period of one year, to reduce the excessive force now in the departments. Oh, but the gentleman from Illinois [Mr. MANN] says that Dr. Wiley's position can not be filled. The President has until the 1st day of July to fill Dr. Wiley's place. I apprehend that there are few bureaus or divisions of the Government where, if a man were to die or resign, his place could not be filled by some man already in the work. We did except the forecasters in the Agricultural Department, because it is the custom with that department to bring in forecasters from the country to fill vacancies. With that exception, the committee sees no reason why we should not adopt this section as it is written into the bill.

Mr. BURLESON. Mr. Chairman, just one word. During the last three fiscal years the officials of the Treasury Department,

on their own initiative, reduced the clerical force of that department by 506 employees. This fact impressed your committee with the belief, and it was concurred in by those with whom we consulted, that similar reductions can be made in other departments. In fact Gen. Wood, speaking for the War Department, came before the committee and said that the clerical force of the War Department could safely be reduced 25 per cent. Your committee did not want to take any radical action. Your committee wanted to give the heads of the departments an opportunity to exercise their discretion in bringing about reductions. We desired that these officials should adjust the clerical forces of the various divisions and bureaus of the various departments so as to bring about reductions without any injury to the service. This item practically liquefies the classified service throughout all the departments for the next fiscal year and gives the opportunity of reducing the force in these various departments to the extent that vacancies will occur during the year. That is all there is of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts to strike out the paragraph.

Mr. GILLETT. Mr. Chairman, just one word on my amendment. The gentleman from Illinois has expressed better than I could the reason why I think this paragraph ought to be stricken out, but in answer to what my colleagues on the subcommittee have said, the very fact that the Treasury Department has cut down the force of clerks within the last three years shows that they are doing the best they can; that the force is down to a bedrock basis, and that we ought not to go any further. The department has been able to do that, not simply because they had too many clerks, but they did it by introducing new labor-saving devices, which largely enabled them to make this reduction. But this provision assumes that in all the departments there are too many clerks and that in the course of a year not more will die or resign than will leave enough to do the work. That is an assumption for which there is absolutely no basis. See in what a condition it leaves the Treasury. See the power the clerks have. A dozen clerks or three clerks or one clerk in a little bureau may be doing work where he knows he is indispensable. He knows that they can not get along with less clerks and he knows if he goes out that they can not fill his place. He can be as insubordinate or lazy as he pleases and yet the department can not hold over him the authority of bringing in somebody else, because the law forbids that any new clerk shall be appointed.

I think it is a preposterous provision. If the committee wants to effect economy and have the right number of clerks, the way is to decide how many clerks there should be and appropriate for them, but not by such guesswork as this to say that in this year no more clerks will die or resign than can be spared.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. GILLETT], to strike out the paragraph.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. GILLETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, yeas 61.

So the amendment was rejected.

Mr. JOHNSON of South Carolina. Mr. Chairman, let us take up section 5.

Mr. LAMB. Mr. Chairman, I desire to offer an amendment to section 9.

Mr. MANN. What becomes of the sections? Do we not take them up in regular order?

Mr. JOHNSON of South Carolina. I called up section 5.

The CHAIRMAN. The Chair did not understand the gentleman from South Carolina.

Mr. JOHNSON of South Carolina. I called up section 5.

The CHAIRMAN. The Chair did not hear. The Chair will recognize the gentleman from Virginia [Mr. LAMB] later.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 139, line 13, after the word "appointed," insert the following:

"And provided further, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] is recognized.

Mr. MANN. Do not the sections come in regular order?

Mr. GILLETT. I wish to offer an amendment to this section.

The CHAIRMAN. The Chair will state that all these sections have been read. Unanimous consent was granted that they could be called up again for amendment.

Mr. MANN. Would it not be more convenient to take them up in the regular order?

The CHAIRMAN. The Chair is not informed which sections the gentlemen wish to move amendments to.

Mr. GILLETT. I want to move to strike out the paragraph.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia and then come back to it. The Clerk will report the amendment of the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

Page 142, line 25, after the word "appropriations," insert the following:

"Provided, That the Department of Agriculture shall be exempted from the provisions of this section."

Mr. JOHNSON of South Carolina. Mr. Chairman, we have not reached that section yet. Let us first dispose of section 5.

The CHAIRMAN. The Chair will state to the gentleman that these sections have been read and the committee amendments agreed to, and that unanimous consent was granted that individual Members could go back and offer amendments. The gentleman in charge of the bill stated that he had no further amendments to offer. The Chair is not a mind reader. It is impossible for the Chair to know until a gentleman takes the floor to what section of the bill he desires to offer an amendment, and the gentleman from Virginia [Mr. LAMB] having the floor, and having the right under unanimous consent—

Mr. FITZGERALD. I call the attention of the Chair to this fact: At the time the gentleman from Virginia took the floor section 5 was before the committee. One amendment had been adopted, and the gentleman from Massachusetts [Mr. GILLETT] had announced that he moved to strike out. Of course, any amendment to amend that would have the preference.

The CHAIRMAN. The Chair will say to the gentleman from New York that the gentleman from Massachusetts [Mr. GILLETT] did not announce it until the Chair had recognized the gentleman from Virginia [Mr. LAMB].

Mr. FITZGERALD. I submit that the orderly manner is to dispose of each of these paragraphs before we pass to another.

The CHAIRMAN. The Chair agrees with the gentleman from New York. But, as the Chair has stated, he is not a mind reader, and when a gentleman takes the floor it is impossible for the Chair to know what his motion is.

Mr. FITZGERALD. The point I make is that section 5 being undisposed of, it is not in order to make amendments to some other parts that have not yet been reached.

Mr. LAMB. Mr. Chairman, I withdraw my amendment for the present.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] withdraws his amendment. The Chair will recognize the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I move to strike out the section. At this hour I do not want to detain the committee. At the same time this is such an important matter that I do wish very briefly to state my opinion upon it. I think one of the most important questions before the House to-day is the question intended to be dealt with by this section—the question of superannuation. And while I do not at all agree with this section as reported by the committee, yet I think it but fair to the majority to say that I do think something ought to be done and that I think the committee was actuated by an earnest desire to find some remedy.

While I think their remedy was a crude one, yet something certainly ought to be done to check the disease. It is a disease that must be remedied or else it will grow until we are obliged to take a very much worse cure, I fear, than what is now suggested by the committee.

Now, I have an individual opinion as to what is the proper remedy. I may be wrong, but I have studied the question a great deal, and it seems to me there are only three ways of meeting it. One is this way, suggested by the committee, to give a fixed tenure of office to everybody in the service and thereby all need of pensions is done away with. Another is a straight pension; that is, to give to everybody when he retires or reaches a certain age a pension. And the third, which I think is the best way and the way which would cure it permanently, is a contributory pension bill; in other words, a compulsory saving system.

I have in the past expressed my views on that subject at length. A bill was reported from the committee last session

on the subject, which, although it does not entirely meet my views, is yet the best proposition that has been suggested. The pending provision, in which it is proposed that everybody shall go out of the service after five years, is a very crude way to remove the difficulty. I had proposed to discuss it somewhat exhaustively, but it is now so late that I shall not take further time. But I think it is a serious question that must be seriously confronted soon and almost any remedy is better than the present unsettled conditions, for now while the law absolutely forbids a pension yet in many departments and bureaus a practical pension system does exist. It differs in literality according to the caprice of the head of the bureau. As it is unlawful it has to be furtive and unacknowledged. No employee can depend upon it, and it is the most expensive, demoralizing, unequal, and unfair kind of a pension system. I think the committee in charge of such legislation ought to report a bill and the whole subject should be considered and finally settled by Congress, but this proposition is a halfway measure which has not been prepared with the care and study the subject deserves and ought not to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GILLET].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. GILLET. A division, Mr. Chairman.

Mr. O'SHAUNESSY. What is the amendment, Mr. Chairman?

The CHAIRMAN. The amendment is to strike out the paragraph. A division is demanded.

The committee divided; and there were—ayes 40, noes 53.

So the amendment was rejected.

Mr. FINLEY. Mr. Chairman—

Mr. JOHNSON of South Carolina. To section 6, page 140, Mr. Chairman, we have no amendments.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] is recognized.

Mr. FINLEY. Mr. Chairman, on page 139, after the word "department," beginning on line 16, I move to strike out the remainder of the paragraph.

Mr. FITZGERALD. Mr. Chairman, I wish to reserve a point of order on the amendment. The amendment should have been offered to perfect the text before the motion to strike out the section had been voted upon.

The CHAIRMAN. It is customary and proper to allow a gentleman to perfect before he moves to strike out, but it is not out of order for the gentleman from South Carolina to move to strike out a portion of the paragraph now, the paragraph not having been passed, unless some gentleman wants to perfect that portion of the paragraph.

Mr. FINLEY. Mr. Chairman, I want to call the attention of the Committee of the Whole to one thing, and that is that the part that I moved to strike out provides—

That no person separated from the classified service under this provision shall directly or indirectly solicit indorsement for reappointment through any member of the legislative department, and any person violating this provision shall be denied reappointment: And provided further, That no head of an executive department shall receive or consider from any member of the legislative department any request for the reappointment of any person seeking employment in the classified service, and it shall be considered a violation of law for any member of the legislative department to submit to any executive officer a request for the reappointment of any person in said classified service.

Now, I want to ask the membership of the House a question. I was in favor of the first part of the proposition; that is, limiting the length of service, the tenure. But here is a Representative in Congress who has constituents. They have appealed to him and claim that they have been unfairly treated, that they have been wrongfully dealt with, in being discharged from the Government service, and if he makes a request he, the Congressman, violates the law. I do not believe Congress is ready to inaugurate any such legislation, and so I hope that this part of the provision will be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. FINLEY] to strike out the paragraph on page 139, beginning on line 16 and continuing on down to and including line 3 on page 140.

Mr. JOHNSON of South Carolina. Mr. Chairman, if we do not want to return to the spoils system—and I do not think Congressmen ought to have any patronage—I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. FINLEY. A division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 38.

Mr. JOHNSON of South Carolina. Tellers, Mr. Chairman,

Tellers were ordered, and the Chairman appointed Mr. FINLEY and Mr. JOHNSON of South Carolina.

The committee again divided; and the tellers reported—ayes 50, noes 45.

So the amendment was agreed to.

The CHAIRMAN. The next section is section 6, and the next after that is section 7.

Mr. MANN. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves that section 6 be stricken out. Does the gentleman from Illinois desire recognition?

Mr. MANN. I do.

The CHAIRMAN. The gentleman is recognized.

Mr. MANN. Mr. Chairman, the act of 1882 forbids any appropriation to be used for the employment of personal services in the District of Columbia unless such employment is authorized by the act making the appropriation.

This section provides that anyone violating that act shall be dismissed from office and subject to both fine and imprisonment.

Now, Mr. Chairman, here is the situation: We make an appropriation of, say, \$50,000 for a certain purpose in one of the departments, and it is up to the department to decide whether they shall carry out the purpose of the act, if they are required to have personal services in the District of Columbia thereby, or not carry out the appropriation. We make the appropriation of \$50,000, which requires some personal services in the District of Columbia. The law says that they shall not employ personal services in the District of Columbia out of the appropriation unless specifically warranted; but the appropriation says nothing about it. You can not carry out the purpose of the appropriation without employing personal service in the District of Columbia, and the department must determine whether they will use the money for personal services within the District of Columbia or not.

There have been some cases which have gone to the Comptroller of the Treasury to determine whether the appropriation authorized the use of personal services in the District of Columbia out of the appropriation, and the comptroller has been in doubt. In some cases, resolving the doubt in favor of carrying out the purpose of the appropriation, he has said that it would authorize personal services in the District of Columbia, and in other cases he has said that it would not. Now, this bill proposes that an official of the department shall determine, at his peril—first, that he shall be summarily dismissed if he decides wrong, and, second, that he may be fined and imprisoned. That is not a fair burden to cast upon anybody for construing a law which is in doubt.

Mr. SHERLEY. Has the gentleman the decisions to which he refers?

Mr. MANN. I have the cases. I have the decisions of the comptroller, but I have not the time to read them now. The other day we made an appropriation on the agricultural appropriation bill in a lump sum. You could not carry out the purposes of that appropriation without employing personal services in the District of Columbia, in my opinion. I heard a gentleman on the floor say that, in his opinion, you could. Now, is the department officer who expends the money to be imprisoned because he exercises his best judgment? Sometimes he can get the Comptroller of the Treasury to tell him and sometimes he must act before the comptroller can pass upon the question. It seems to me altogether too harsh a remedy. I have no objection to a proper remedy, but to say that if a man, not intentionally, not purposely, violates the law, but if he makes a mistake of judgment, not knowing which way to turn, Congress, on the one hand, telling him to do a certain thing and giving him the money with which to do it, and, on the other hand, telling him that under certain conditions he must not employ personal services in the District of Columbia, it is up to him. He has to follow the act of Congress and employ personal services if he carries out the purposes of the appropriation, and if he does not carry out the purposes of the appropriation, then we scold him for that. If he does carry it out and employs personal services, then we propose to fine and imprison him for that. It is too harsh a remedy.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a word. In 1882 Congress enacted the law referred to in this section, which prohibits the heads of any of the departments here in Washington from employing personal service in the District of Columbia unless the personal service is specifically appropriated for. For 30 years the law has been upon the books, and it has been violated constantly, and there was no penalty for its violation. We are simply trying to have good administration. We want the departments to use the force we give them in the appropriation bills.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to strike out section 6.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 50, noes 78.

Accordingly the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the Senate had passed the following resolution (S. Res. 308):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Friday, May 10, 1912.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, I offer an amendment to section 6, as follows:

In lieu of the words "less than \$100 or by imprisonment for not less than one month" I move to insert "more than \$1,000 or by imprisonment for not more than one year."

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Kentucky will be agreed to.

There was no objection.

Mr. MANN. Mr. Chairman, I move to insert, in line 4, after the word "person," the word "willfully."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 140, line 4, after the word "person," insert the word "willfully."

Mr. MANN. Mr. Chairman, this would simply provide that the penalty should ensue where the person willfully violated the section.

Mr. JOHNSON of South Carolina. It just simply nullifies the law. A man is presumed to know what he is doing.

Mr. MANN. It is a common expression in the criminal statutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, on a division (demanded by Mr. MANN), there were—ayes 47, noes 73.

Accordingly the amendment was rejected.

The CHAIRMAN. The next paragraph is section 7. If there is no amendment offered, the next paragraph is section 8. If no amendment is offered to that, the next paragraph is section 9.

Mr. LAMB. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 142, line 25, after the word "appropriations," insert the following:

"Provided, That the Department of Agriculture shall be exempted from the provisions of this section."

Mr. LAMB. Mr. Chairman, this amendment only keeps the Division of Publications in the Agricultural Department, just where it is now. It does not transfer the duties of that division over to the Government Printing Office.

Mr. HUGHES of New Jersey. I should like to ask the gentleman just where his amendment comes in. I could not catch it.

Mr. LAMB. At the bottom of page 142, after word "appropriations," in line 25.

Mr. RAKER. Will my distinguished friend from Virginia submit to a question?

Mr. LAMB. Certainly.

Mr. RAKER. Who has charge of that division in the Agricultural Department?

Mr. LAMB. A gentleman by the name of Arnold.

Mr. RAKER. Joseph A. Arnold?

Mr. LAMB. Yes.

Mr. RAKER. One of the most competent men in the service, is he not?

Mr. LAMB. He is very competent. Now, Mr. Chairman, just a word.

The provision for centralizing the distribution of all Government publications in the Government Printing Office is in line with the recommendation of the President's Commission on Economy and Efficiency, which estimated that a great saving would result therefrom. So far as the Department of Agriculture is concerned the actual saving would be very small, and the inconvenience and interruption to its work would be very great, if not disastrous. It is undoubtedly true that the cost of hauling publications from the Printing Office to the department

and back to the Union Station would be eliminated, the expenditure for which service is only about \$2,000 a year, which is more than offset by the convenience and advantage of the immediate personal supervision of the distribution by the department. The total appropriation for salaries, rent, materials, and so forth, of the Division of Publications of the Department of Agriculture for the year ended June 30, 1911, was \$202,730, with which it edited, illustrated, indexed, and read the proof of 1,253 publications, and received, stored, wrapped, addressed, and mailed 27,500,000 copies of publications. The appropriation of the office of the superintendent of documents, Government Printing Office, in whose office it is proposed to centralize the distribution of all publications, for the same year was \$255,884, with which he distributed only 3,644,600 publications.

It will be seen by comparison that with an expenditure of about \$32,000 less than that of the office of the superintendent of documents the Division of Publications distributed more than eight times as many publications. In justification of the distribution of documents by the Government Printing Office an ideal theory of handling the documents has been evolved, which long and intimate experience with the actual conditions under which publications are distributed seems impracticable. The proposed plan assumes that automatically and without delay the publications will be passed from the Printing Office to the mailing room of the superintendent of documents; then passed through wrapping, sealing, and addressing machines; and thence at once to the Union Station, scarcely halting on the way and requiring no storing or handling. Were the publications of the Government, or at least of the Department of Agriculture, distributed at once upon issue to persons whose addresses were maintained by permanent lists, is it probable that machinery could be installed which would do the work; but the bulk of the distribution by the department is to miscellaneous applicants for which no mailing lists are maintained. It is absolutely necessary, therefore, for the department to keep a supply of publications of all kinds and send out copies upon request, which it is prepared to do with promptness and accuracy. It is very doubtful if the Government Printing Office is prepared or could equip itself to take over the distribution of publications of this department. It is doubtful, without alteration of the law, whether the distribution of publications could be separated from the department, as it is a function enjoined upon the department by the act creating it. It is believed that the distribution can be more efficiently, intelligently, and more promptly done by the department than by the Public Printer.

Once the distribution of documents is turned over to the Public Printer, the correspondence will gradually be diverted to that official. Now, the publications are not like supplies, to be sent out in quantities as requested, but in their distribution expert judgment and knowledge is required which the Government Printing Office does not possess. There is a specific provision of law for the distribution of Farmers' Bulletins by the Department of Agriculture. If the distribution by the department has been satisfactory to Senators, Representatives, and Delegates it would seem that no change in the method should be made. Even if the distribution were taken away from the department, it would still be obliged to maintain a considerable force of clerks to make orders and handle the correspondence, and would still require the building which it now occupies. As a matter of fact, the entire cost of labor in handling that part of the department's work which it is proposed to transfer to the superintendent of documents was, for the fiscal year 1911, \$48,333.20. Nor can the superintendent of documents avoid using large storage space, as the printing of large editions is cheaper than when many small editions are ordered, and the delay in securing new editions is oftentimes from four to six weeks. Even if the order for the mailing of the bulletin were on hand when the edition was issued, many of the addresses would be of only casual applicants, which it would not pay to cut on stencils, and they would have to be addressed by hand, and the filling of the envelopes done by hand the same way. Therefore the statement of the committee that the new plan will effect an important economy by saving rent is unfounded, and as his storage space is now crowded he would require another building.

Mr. JOHNSON of South Carolina. Mr. Chairman, the President has an Economy Commission which has been investigating various matters in order to bring about economy in expenditures. This commission has investigated the matter of public documents. Any Member can see almost any day in the year great loads of documents being hauled from the Government Printing Office to other departments of the Government. These documents are wrapped in the Government Printing Office before they are sent to the departments. After they are sent to the Departments they are unwrapped and before they are sent

out they are wrapped again, and then the wagons take them to the post office or to the Union Station.

This committee reports that if public documents were mailed out from the Government Printing Office instead of from the departments, as they are now, it will save \$200,000 a year. The President has sent a message to Congress to that effect.

Mr. LEVER. Can the gentleman state how much would be saved in the Agricultural Department?

Mr. JOHNSON of South Carolina. I can not say how much would be saved in any one particular department; but if we are going to stop the Government from hauling documents to the departments and then from the departments back to the Union Station, why should we except one department and not all of them? [Applause.]

So we put this item in the bill, because it is good legislation. It is in the interest of economy. There is no place in Washington where they are so equipped for mailing documents as they are at the Government Printing Office.

Mr. LAMB. All I am asking is that you exempt the Agricultural Department.

Mr. JOHNSON of South Carolina. Yes; and then the other fellows will want us to exempt them. What you people believe in is economy, but you want the other fellow to economize. [Laughter.]

Mr. LAMB. No; the gentleman is mistaken.

Mr. COOPER. Will the gentleman from South Carolina yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. COOPER. Is there room enough in the Government Printing Office to do all this work?

Mr. JOHNSON of South Carolina. The Public Printer has a large space that he is not now occupying. He has all the machines; he has an organized force for mailing out public documents, and he said that he could do a very large amount of the work in addition to what he is now doing without increasing his force or without increasing the expense, because these overhead charges, this equipment he has, must be kept up, whether he has documents enough to keep it busy two hours of the day or eight hours of the day.

Mr. FITZGERALD. Mr. Chairman, this is not a matter of recent recommendation. As early as 1882 a commission was appointed under a resolution of the House of Representatives, consisting of Mr. Spofford, Librarian of Congress; Mr. Baird, Secretary of the Smithsonian Institution; and Mr. John G. Ames, superintendent of documents in the Department of the Interior, a man who was recognized as the foremost document expert of his time. They pointed out the gross extravagance that came from the system of distributing public documents from the various departments of the Government. This reform has been recommended on many occasions by the Public Printer, the superintendent of public documents, and lately by the Economy Commission.

At present these documents are printed in the Government Printing Office. It is necessary to wrap and tie and ship them to the departments for which they are intended. They are then handled two or three and sometimes four times before being handled for issue. Under the system of distribution here proposed the departments for which the documents are printed will have complete control over those to whom the documents are to be sent. The handling of the documents three, four, and five times unnecessarily will be eliminated.

In the report upon this matter by the Economy Commission it was pointed out that a saving of \$242,000 a year would be effected by this consolidation. The commission points out that the Department of Agriculture, particularly, has its publications located in offices far away from those who have charge of the issuance of the publications.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. COOPER. Suppose a constituent asked for a publication by the Agricultural Department, how would that be ordered from the Public Printing Office?

Mr. FITZGERALD. Through the Department of Agriculture. And I wish to say that the new post-office building is to be located within a short distance—directly across the street—from the Government Printing Office, and it is proposed that a system of pneumatic tubes will be installed, so that when a publication is called for by the department it will be shipped out at once, and time will be saved, as well as money.

Mr. COOPER. One other question. Suppose a Representative sent a request there for mailing one of the Farmers' Bulletins or the Yearbook, under whose frank would it go out?

Mr. FITZGERALD. It would go as at present—under the gentleman's frank. The number of documents, the disposition of documents, the control of documents by the departments, the records of them will not be affected, but it is desired to con-

centrate right where the documents are printed all the publications issued, so that they will be taken from the press and distributed from where they are printed. The records will be kept in the various departments. By the installation and concentration of the distribution of publications of all departments at this one place a great economy will be effected.

Mr. Chairman, if we are to except one department of Government we might as well except them all.

Mr. COOPER. Will the gentleman yield for another question?

Mr. FITZGERALD. Yes.

Mr. COOPER. I find on the top of page 142 this language:

And each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, for use in the distribution of publications issued by such department or establishment.

Mr. FITZGERALD. That is the permanent mailing list of the departments, and the Division of Distribution is to be furnished with a list up to date so that there will be no delay.

Mr. COOPER. Might I ask the gentleman from New York one other question? A number of gentlemen talking here have thought that if this were to pass in the form in which it is now being discussed it would result in publications going out from the Printing Office under a frank of the department as a Government publication.

Mr. FITZGERALD. Not at all. There is no intention and no desire to change the present method in that respect; but by a concentration of the distribution of the documents right at the place where they are printed, where the space is available and where the force could be so organized as to do the most efficient work, great economy and efficiency would be effected.

There was held in this city last year an exhibit of labor-saving office devices. A great number of machines were exhibited here by which documents and all kinds of publications can be so handled as to be wrapped and addressed and ready to go from the machine into the post office. With the location of the new post office the documents as they come out of the machine could go into a pneumatic tube and go directly to the trains which are to transport them out of the city.

Mr. COOPER. One more question. On page 142, line 6, it says:

And the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of a department or establishment issuing the publication.

Mr. FITZGERALD. That is to prevent any misunderstanding that the Public Printer has control of the distribution of these documents. That is to continue the rights of everybody as they are at present over the distribution of documents.

Mr. COOPER. Then I would like to ask the gentleman from New York—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER. I ask unanimous consent that the gentleman from New York may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. I desire to ask the gentleman from New York this question: It could not be interpreted, from line 6 down to the end of line 9, as meaning that the head of the department or establishment issuing the publication could or would direct or order that the publication should go out under the frank of the department?

Mr. FITZGERALD. Not at all.

Mr. PALMER. Will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. PALMER. Is this correct, that as to the distribution of documents by Members who make a request of a department that the only difference from the present system would be that the Member's frank would be sent from the department up to the Printing Office, whereas now the document itself is sent from the Printing Office back to the department and from the department to the station?

Mr. FITZGERALD. Yes.

Mr. FOSTER. More than that. It goes from the Printing Office to the department, back to the post office, and then goes to the station, thousands of tons of it.

Mr. PALMER. That makes it all the worse.

Mr. LEVER. Mr. Chairman, I am not against the general proposition, but I would like the gentleman to answer this question. On line 8, after the word "law," I read:

Or the instruction of the head of the department or establishment issuing the publication.

Referring back to the proposition that these documents are issued under the provisions of the law or at the discretion of a

head of these departments. Now, then, take the agricultural bulletins issued by the Department of Agriculture. I do not remember the law on the subject, but assuming that there is no law, would the Public Printer or the Secretary of Agriculture have the right to say that I as a Member of Congress shall not have or shall have the right to issue our bulletins printed by the department?

Mr. FITZGERALD. No; there is no intention of changing in any respect the present law. The provision in the agriculture bill controls the distribution of the bulletins by Members. Now there are in addition a number of bulletins printed by the Department of Agriculture over which it has complete control, and this is to prevent any construction that the Public Printer would have control of the distribution of them.

Mr. LEVER. This language that I have referred to relates entirely to publications not controlled by law and are issued by the heads of departments entirely. Is that true?

Mr. LAMB. This is transferring all the equipment and everything over there.

Mr. FITZGERALD. It does; it turns over all the distribution.

Mr. LAMB. And that is what I object to.

Mr. FITZGERALD. It concentrates it; it abolishes a number of distributing agencies. If this provision is not feasible, not desirable, not good for the Department of Agriculture, it should not be adopted for any of the departments. Mr. Chairman, in order not to treat any department as a favorite, if the Department of Agriculture or any other department be excepted from the operation of this provision, I shall move to strike the entire provision from the bill. This provision is designed to effect an important reform and an important economy, and I do not propose that gentlemen in a department of the Government, in violation of the instructions of the President, shall circulate proposed substitutes, prepare proposed amendments, and endeavor to build up an opposition here to a committee simply because some gentleman may believe or some bureau or a department may imagine that they can return favors for favors received.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAMB. Mr. Chairman, I offered this amendment, and if my colleague will hear me one minute—

Mr. ALLEN. Will the gentleman yield?

Mr. LAMB. Mr. Chairman, I desire to offer an amendment. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] has been recognized once and is not entitled to recognition now.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York first whether there would be any objection to inserting into this section the words "or franked slips"?

Mr. FITZGERALD. Not at all.

Mr. MANN. So that when that part of it is reached it will say that the department shall furnish from time to time to the Public Printer mailing lists in convenient form, or changes therein, or franked slips, for use in the distribution of publications.

Mr. FITZGERALD. There would be no objection to that, except I do not wish to be understood that there will be no objection to the furnishing of addressed frank slips. The addressing should be done at the place where the distribution is to be made.

Mr. MANN. That depends. You might want to send blank franked slips to be pasted on, in order to have the publications sent in bulk to your office.

Mr. FITZGERALD. There will be no objection to that.

Mr. MANN. There will be nothing in that to require them to address the franked slip. Now, may I ask the gentleman further: Suppose a Member of the House gets a letter asking for publications of a certain character. He very often, probably constantly, sends such a letter to the Department of Agriculture, and in course of time gets back a reply stating that certain bulletins or circulars have been sent to the correspondent. What will be the process now?

Mr. FITZGERALD. He would send his communication to the Department of Agriculture, which has the record of the quota of the gentleman, and they would arrange for the sending of the blanks to the distribution office and would notify the gentleman the same as at present.

Mr. MANN. Now, what they do is to notify us that they have sent the bulletins. Under this provision I suppose they would notify us that they would send them if the Public Printer would send them out.

Mr. FITZGERALD. I do not think there would be any trouble about that. If the bulletins were to the credit of the Member, they would be sent out, and the Department of Agriculture would keep that record.

Mr. MANN. If the gentleman sends out as many bulletins as I do, he doubtless has discovered a long time ago that he frequently asks for bulletins that are not in print and are not sent.

Mr. FITZGERALD. But the bulletins would be in print and available if the department had ordered them. The Public Printer would have no discretion as to the particular bulletins to be sent. But the department itself would have the record.

Mr. MANN. Exactly. How would you know whether they would be sent out? The department might not know they had sent them.

Mr. FITZGERALD. I assume this organization, when it received an order from the department, would promptly send the bulletin out.

Mr. MANN. The Department of Agriculture is the only department that uses franked slips to send out documents; but most of the franked slips we send out, outside of the Farmers' Bulletins, are sent to the folding room of the House. But if it is advisable, as I am inclined to think it is, to avoid the transshipment across the city between the Printing Office and the Agricultural Department, why is it not equally advisable to avoid the expense of transportation between the Printing Office and the folding room of the House of Representatives? Why could we not just as well send our franked slips to the superintendent of the folding room and have him transmit them to the Public Printer, so that they can be sent out of stock in the Public Printing Office?

Mr. FITZGERALD. I will say to the gentleman from Illinois [Mr. MANN] that, personally, I think that would be performing a great economy.

Mr. MANN. But it would interfere with Democratic patronage.

Mr. FITZGERALD. A bill has now passed the Senate that provides for some such arrangement. I am not concerned with the persons who may be affected. I do not know them, and I am not particularly interested. I desire to see this adopted because it will be the beginning of a movement that would compel both Houses of Congress to abolish the folding rooms and concentrate all of that work.

Mr. MANN. Mr. Chairman, I have no employees in the Department of Agriculture and none in the folding room of the House.

Mr. FITZGERALD. Neither have I.

Mr. CLAYTON. Mr. Chairman, I have the floor, and I wish you would stop the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] while I have it. I had been recognized some moments before.

Mr. Chairman, I come from a great agricultural district—the greatest in the United States—[cries of "Oh!"]—and I am going to follow the advice of the leading farmer of the House of Representatives—JOHN LAMB, of Virginia. [Applause.]

Mr. SHERLEY. Of Richmond, Va.

Mr. CLAYTON. He is right on this proposition. This city farmer from the city of Chicago [Mr. MANN] and this city farmer from the city of Brooklyn [Mr. FITZGERALD] are both dead wrong. [Laughter.]

Mr. SHERLEY. They know less than the city farmer from Richmond. [Laughter.]

Mr. CLAYTON. They know less than the city farmer from Virginia. [Laughter.] He is right in this matter as to the distribution of these farmers' bulletins, and I intend to support his proposition. [Applause and cries of "Vote!"] Now, some gentlemen say "Vote!" You do not know what a good speech you are going to miss by calling for a vote. [Laughter.]

Mr. Chairman, the most valuable publication in behalf of the greatest industry of the United States, to wit, the farming industry, although you city farmers may not have found that out, is the bulletin issued by the Department of Agriculture. [Applause.] And we ought to follow the suggestions of the gentleman from Virginia, the Chairman of the Committee on Agriculture. I shall support most heartily the amendment offered by the gentleman. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. LAMB].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. JOHNSON of South Carolina. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 105, noes 49. So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the balance of the section. [Cries of "No!" "No!"] I move to strike out section 9, and I wish to be heard on it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On pages 141 and 142 strike out all of section 9.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I had occasion the other day to refer to the efforts of some gentlemen upon this side of the House to assist the Committee on Appropriations in carrying out the pledges of the Democratic Party to effect reforms and to retrench public expenditures. If the Democratic Members of this House imagine for a moment that, to use the vernacular, I may be made the "goat" of this House, that they are to beg me to save the party by keeping down the appropriations and then every time they are affected by any proposition that may be proposed in the interests of economy they will vote against it and then have me meekly shoulder the responsibility for the failure of the party to meet its obligations, they are very much mistaken. [Applause.]

I noticed to-day certain distinguished gentlemen upon this side of the House who have been making campaign speeches in the interest of economy voting against the Committee on Appropriations on certain matters on which they could have had no interest whatever except a political interest. I am compelled, regardless of the interests of my constituency, regardless of the wishes that may be entertained by those upon whose support I depend for my place in this House—

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I can not yield.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. FITZGERALD. I can not yield. I did not refer to the gentleman from California.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAKER. It is not proper, it seems to me, for the gentleman to lecture the Members of this House. I will vote as I please.

Mr. FITZGERALD. The gentleman from California makes a mistake. I did not have him in mind. I referred to certain distinguished Democrats in the House. [Laughter and applause.]

I am compelled, Mr. Chairman, in carrying out the work imposed upon me by the Democratic Party to ignore the wishes of my constituency, to ignore the demands that they make because of purely local and selfish interests, and to put myself out where I will be a mark for every political guerrilla, in an honest attempt to make it possible for the Democratic Party to succeed in the next campaign. I do not propose to go through this House during the balance of the session and let every other gentleman run to cover, and let everybody else take care of himself, and then at the end of the session place the blame upon me for the failure of the party to live up to its pledges.

The committee over which I preside, regardless of the effect upon themselves, regardless of the effect upon their districts, regardless of the effect upon those in the departments who may have favored them or withheld favors from them, have honestly recommended reforms upon which there could be no division of opinion, in order to do that which the country expects from the party; and if gentlemen upon this side of the House wish to join those upon the other side in making futile the work of this committee, they might just as well understand now as later in the session that the responsibility will be fixed upon them.

The President of the United States, the Secretary of the Treasury, the Economy Commission, and everybody who has ever looked into the matter and had no local interests or political interests to advance recommended the abolition of the mints and assay offices as proposed by the committee.

There was no political division in the Committee on Appropriations upon the question. It is immaterial to me whether those mints and assay offices continue to exist or are abolished. I have no desire to antagonize the Members by recommending things that may be unpopular or distasteful to them; but during this session I shall continue to insist upon presenting to this House recommendations that will carry out the pledges of the Democratic Party. [Applause.] If the Democratic Party fails to reduce the appropriations made by a Republican Congress—and they are very likely to fail if they continue as they have been doing—they must shoulder the responsibility; I shall not do so. If they bring defeat upon the party by their action, it is what they have a right to expect will come. Since the House has indicated a disposition not to have a thorough reform I

ask, rather than to favor a sham reform, that this paragraph be stricken from the bill.

Mr. HEFLIN rose.

Mr. LAMB. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. Chairman, I sympathize with the distinguished chairman of the Appropriations Committee [Mr. FITZGERALD] in his efforts along various lines to economize. He has labored earnestly to bring about legislation to accomplish this end. But we have many districts in the United States, represented by gentlemen who are looking out or should look out for the best interests of their constituents and for the welfare of the entire country, and who can not, in every instance, see things as the gentleman from New York sees them. These gentlemen feel it their duty to express their views, to vote in accordance with their convictions, and to represent the wishes of their people. [Applause.]

Mr. Chairman, I do not want my good friend from New York to be in the least worried or irritated because once or twice to-day we have seen fit to advocate one or two amendments that we thought should be adopted. Everything will come out all right.

The high priest of protection from Connecticut [Mr. HILL] said to-day, but said it feebly, "We will elect another Republican House." Where will you get the votes? Your old stand-pat party is torn wide open, and thousands of honest Republicans are coming into the Democratic Party. While the door is still open I bid you come and we will baptize you into the faith of the Democratic fathers. [Applause on the Democratic side.]

I want to say to my good friend from New York [Mr. FITZGERALD] that this committee bill has covered in its provisions three great departments. It contains more than 100 pages, and I think, gentlemen, that you have done remarkably well to get through with only a few changes made in it. I congratulate you and the party for good work accomplished for the people in this House. We are harmonious and militant; we have kept the faith, and the people everywhere are indorsing our work. [Applause on the Democratic side.]

Now, Mr. Chairman, in conclusion I want to say to the gentlemen on the other side that, in spite of their efforts to create division over here, under the splendid leadership of the Speaker of this House, and the majority leader, OSCAR W. UNDERWOOD, we have been united and harmonious throughout the session. [Applause on the Democratic side.] There has been no serious friction anywhere. We have not and we will not permit anybody to divide us now. You gentlemen on the other side devoted some time to condemning the Democratic caucus. You held caucuses yourselves until you became so divided and broken that you could not have a caucus. [Applause on the Democratic side.] We will continue to hold caucuses in our efforts to carry out the principles for which Thomas Jefferson stood. [Applause on Democratic side.] The people will indorse what we do. From one end of the country to the other they are indorsing it now, and we rejoice that the day is near at hand for a general sweeping Democratic victory. [Applause on the Democratic side.]

[Mr. FOSTER addressed the committee. See Appendix.]

Mr. CLAYTON. Mr. Chairman, I do not wish to detain the House, but my explanation of the position I have assumed tonight is predicated upon the belief that the amendment offered by the gentleman from Virginia [Mr. LAMB] seeks to perpetuate to the largest extent the usefulness of the Agricultural Department. [Applause.] I think it is a false economy to begin to practice cutting down the expenditures of the Government in the Agricultural Department. [Applause.]

Let us keep the service of the Agricultural Department up to the highest state of efficiency; and because I think it promotes the great agricultural interests of this country in the highest degree, following the leadership of the chairman of the great Committee on Agriculture, is the reason why I favor his amendment. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to close all debate on this paragraph and pending amendments in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina moves to close all debate on the paragraph and all amendments thereto in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. PAGE. Mr. Chairman, I had not intended to have anything to say about this provision or the vote that had been taken upon the amendment offered by the gentleman from Virginia [Mr. LAMB], but I am satisfied that three-fourths of those who

voted for his amendment voted under a misapprehension. I am not going to lecture anybody on this side or undertake to lecture, but I know gentlemen walked in on the floor of this House and voted for the amendment of the gentleman from Virginia without knowing what the original proposition was, because they came in after gentlemen on the floor had made an explanation of the provision in the bill. Now, my friend from Alabama has made a very vigorous speech. He has heralded the farmer and the Agricultural Department, in which we are all interested and in which I am interested as greatly as he, and he has succeeded in making an impression upon his own mind and upon the minds of the other gentlemen here that there is something in this bill that hinders or prevents the sending out of the bulletins of the Agricultural Department. He did not state what it was, because he did not know, and nobody else knows.

If he will read the provisions of the bill, he will find it simply means if this provision in the bill is adopted that the Government could save the amount of money it costs to haul across this city and back the voluminous publications for the Agricultural Department and other departments, and that they will be sent out more expeditiously under this provision than they are under the present condition of things. Gentlemen have voted under a misapprehension, because I do not believe that my Democratic colleagues, or my Republican colleagues either, have any desire to put a tax upon the people of this country to perform a service worse than it can be performed for a less appropriation, and that is what the provision in this appropriation bill means, and gentlemen who have voted otherwise are misinformed and did not understand it.

Mr. BOWMAN. Will the gentleman permit a question?

Mr. PAGE. Yes.

Mr. BOWMAN. I desire to ask the gentleman if this provision should prevail would not there be less danger of loss in the mails than by the present circumlocution method?

Mr. PAGE. Yes; and they would be expedited in the time of their dispatch from here to the gentleman's constituents and my constituents, because they would be sent earlier than otherwise. I do not care to use any more time. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to be notified when I have one minute remaining. If I may have the attention of the committee, I want to state that nobody on the Committee on Appropriations is unfriendly to the Agriculture Department. This provision is in the bill because every man who has investigated the question has reported that public documents ought to be mailed from the Printing Office and not from the various departments.

Mr. MANN. Will the gentleman yield—

Mr. JOHNSON of South Carolina. It can make no possible difference to the farmer in Alabama or Mississippi or anywhere else whether a bulletin was mailed from the Public Printing Office or it was mailed from the Department of Agriculture. It would not seek in any way to control the publications of the Agriculture Department. The Committee on Agriculture makes the appropriations for that great department. They determine how much money they will give the department to spend. We simply ask this Committee of the Whole to vote this method of mailing public documents because the Government Printing Office is better equipped for that kind of work than any other place in this city. No business man would out of his own pocket go to all this unnecessary expense. As I said the other day, and I repeat now, we are dealing with public money. We are trustees of a public trust, and a trustee who uses improperly the money of his ward is held by courts of equity peculiarly and personally responsible.

While there is no court before which we can be called upon to account for the improper expenditure, we ought to be honest enough with ourselves and honest enough with the American people to put in our own bosom a court of conscience before which we could try these questions.

The CHAIRMAN. The gentleman has used all but one minute of his time.

Mr. MANN. How much time is there remaining?

The CHAIRMAN. Six minutes.

Mr. MANN. I do not want more than two minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I hope the amendment of the gentleman from New York [Mr. FITZGERALD] will not be agreed to. It is true the committee has adopted an amendment excepting the Department of Agriculture from the provisions of the section, but that is no reason why, if the original proposition was a good one, it ought not to be applied to the other departments of the Government. What excuse can be given for striking out the section applicable to eight departments of the Government be-

cause the Agricultural Department has been excepted from its provisions, if the provision had any validity or propriety in the first place? I hope the committee will not agree to the amendment and strike out the entire section.

Mr. SHERLEY. Mr. Chairman, it was for the purpose of saying somewhat in substance what the gentleman from Illinois [Mr. MANN] has just said that I wanted a moment's time. I appreciate and sympathize with the gentleman from New York [Mr. FITZGERALD]. I realize the provocation that brought about his speech. It was a speech that ought to have been made, and I think it served his purpose. I think that so thoroughly that I agree with the gentleman from South Carolina [Mr. JOHNSON] that there was much evidence of a misapprehension as to the facts. And, realizing that we will have a record vote on the amendment that has been adopted in the committee, and not desiring to confuse that vote by any further provision such as the carrying of the motion of the gentleman from New York to now strike out the entire paragraph, I hope the gentleman from New York will withdraw his motion.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to withdraw the motion.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, to strike out the paragraph and insert.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 9 and insert in lieu thereof the following:

"Sec. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication, except maps, weather reports, and weather cards, issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and material as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations."

The CHAIRMAN. All debate has closed on this paragraph.

Mr. MANN. Mr. Chairman, I wish to offer a preferential motion.

Mr. FITZGERALD. I wish to make one modification. In line 4, second page, after the word "lists," insert "franked slips."

Mr. MANN. I think that ought not to come in after the word "lists" but after the word "therein."

Mr. FITZGERALD. After the word "therein."

The CHAIRMAN. Is there any objection to the gentleman from New York [Mr. FITZGERALD] amending his amendment? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I wish to state to the committee that this is—

The CHAIRMAN. The Chair will have to rule that the gentleman is not in order.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that he may address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this is the provision as it originally appeared in the bill, with the addition of the words "franked slips," as suggested by the gentleman from Illinois [Mr. MANN]. If gentlemen will look at page 141, line 15, after the word "publication" there is inserted "and except maps, weather reports, and weather cards." The Hydrographic Office, the Geological Survey, the Weather Bureau, the Coast and

Geodetic Survey print maps in their own establishments and issue them from there, and for the same reason that it is desired to distribute publications from the place where printed these maps should be distributed from the place where they are printed.

The weather reports and weather cards are printed daily by the Weather Bureau and sent out daily, and they should be retained for distribution at the place where they are printed. In view of the statements made by certain gentlemen that they did not understand the effect of this provision at the outset, and in view of the fact that they were inclined to believe it would affect the efficiency of the Department of Agriculture, and that they are now convinced it would not, I have submitted the provision in this form, in the hope that it will be agreed to.

Mr. COOPER. By inserting the words "franked slips," would that include the franked slips of the Members as well as of the Government?

Mr. FITZGERALD. That was the intention.

Mr. MANN. The department does not have franked slips.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. MANN. Mr. Chairman, I wish to offer a preferential motion to insert, on page 142, in line 5, after the word "therein," the words "or franked slips."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 142, line 5, after the word "therein," insert the words "or franked slips."

Mr. FITZGERALD. That was the modification that I asked.

The CHAIRMAN. All debate on this amendment has ceased by order of the committee.

Mr. MANN. That is not the gentleman's amendment.

Mr. LAMB. Mr. Chairman, I move that the Department of Agriculture be exempted from the operation of the amendment.

The CHAIRMAN. The gentleman's amendment is not in order now. An amendment is pending. The gentleman from New York [Mr. FITZGERALD] offered a substitute; the gentleman from New York offers an amendment to the original paragraph, which is in order first. The question is now on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now, does the gentleman from Virginia desire to perfect the original amendment?

Mr. LAMB. Yes. I desire now to move an amendment to the effect that the Department of Agriculture be exempt from the operation of this provision.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. LAMB].

The Clerk read as follows:

At the end of the substitute add the following: "Provided, That the Department of Agriculture shall be exempted from the provisions of this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia to the substitute offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LAMB. A division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 104.

Mr. LAMB. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. LAMB] demands tellers. The Chair will count. [After counting.] Fourteen gentlemen only have risen. Tellers are refused.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the substitute was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to make any changes in totals that may be necessary by reason of amendments that have been adopted in the Committee of the Whole.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the Clerk may correct the totals in the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to perfect an amendment that has already been adopted. I do not think anybody will object to it.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] moves that the committee do now rise and report the bill back to the House with sundry amendments, with the recom-

mendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023 and had instructed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the amendments and the bill to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. JOHNSON of South Carolina. I move, Mr. Speaker, that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Friday, May 10, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Kennebec River, Me. (H. Doc. No. 746); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior, submitting estimate of deficiency appropriation to credit accounts of certain officers of the Interior Department (H. Doc. No. 748); to the Committee on Appropriations and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting findings of the court in the case of trustees of Roanoke Island Baptist Church (H. Doc. No. 747); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 11933) authorizing the quit-claiming of the interest of the United States in certain land situated in Hampden County, Mass., reported the same without amendment, accompanied by a report (No. 679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEE of Georgia, from the Committee on Agriculture, to which was referred the bill (H. R. 36) to protect migratory game birds of the United States, reported the same with amendment, accompanied by a report (No. 680), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEX, from the Committee on Agriculture, to which was referred the bill (H. R. 18323) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers, reported the same with amendment, accompanied by a report (No. 683), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (S. 6084) granting pensions and increase of pensions to

certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendment, accompanied by a report (No. 674), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred sundry bills, reported in lieu thereof the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, without amendment, accompanied by a report (No. 675), which said bill and report were referred to the Private Calendar.

Mr. REES, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 677), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (S. 1508) for the relief of the estate of Eliza B. Hause, reported the same without amendment, accompanied by a report (No. 676), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 7434) for the relief of Patrick Howe, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill (H. R. 20613) for the proper recognition of services rendered by Herman Haupt during the Civil War, reported the same without amendment, accompanied by a report (No. 682), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14906) granting a pension to Mathew Cook; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23788) granting a pension to Albert Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 884) granting a pension to Jane Henry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19460) granting a pension to Jesse Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15574) granting a pension to Robert Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5876) granting a pension to Russella J. York; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21914) granting an increase of pension to Peter S. Hess, guardian of John E. Hess; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5707) granting an increase of pension to William Cunningham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22675) granting an increase of pension to George Baldey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22410) granting an increase of pension to Annie King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 24320) providing for the purchase of a portrait of Samuel Blodget, jr.; to the Committee on the Library.

By Mr. WICKLIFFE: A bill (H. R. 24321) authorizing and directing the Mississippi River Commission to make an examination and survey of all the lands subject to overflow from the Mississippi River situate in the parish of West Feliciana, La.; to the Committee on Rivers and Harbors.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24323) authorizing the Secretary of the Interior to permit exchanges of lands

of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROUSSARD: A bill (H. R. 24324) to import wild and domestic animals into the United States; to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 24325) providing for rates of postage on fourth-class mail matter, for the appointment of the parcel transportation commission, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: A bill (H. R. 24326) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. TAGGART: Resolution (H. Res. 531) to investigate the affairs, business, and transactions of the Western Newspaper Union; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Resolution (H. Res. 532) to print 16,000 copies of hearings before the Committee on the Judiciary, Sixty-second Congress, second session, entitled "Woman Suffrage," serial No. 2; to the Committee on Printing.

By Mr. HUMPHREYS of Mississippi: Joint resolution (H. J. Res. 314) to name the House Office Building Jefferson Hall; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. REES: A bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 24327) for the relief of John G. Dorn; to the Committee on Claims.

Also, a bill (H. R. 24328) for the relief of Charles R. Van Houten; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 24329) granting an increase of pension to Alexander B. Henderson; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24330) granting a pension to Henrietta Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24331) granting a pension to Annie F. Winkler; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24332) granting an increase of pension to James T. Kennedy; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 24333) granting an increase of pension to John H. Slatton; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 24334) for the relief of Manuel and Celestino Luz; to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 24335) restoring to the pension roll the name of Roxanna Dutton Gilbert; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 24336) granting a pension to Eva A. Trager; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 24337) granting an increase of pension to Eleazar Spyres; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 24338) granting a pension to Anna Call; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 24339) granting a pension to Emma Freer; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24340) granting an increase of pension to Frank E. St. Jacques; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 24341) granting a pension to Lemuel T. Smedley; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 24342) providing for the military status of John Gray; to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 24343) granting an increase of pension to William Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24344) granting a pension to Jane Heath; to the Committee on Pensions.

Also, a bill (H. R. 24345) granting an increase of pension to David R. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24346) granting an increase of pension to Lucian G. Winey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24347) granting an increase of pension to Donal McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24348) granting an increase of pension to Jesse J. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24349) granting an increase of pension to David Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24350) granting an increase of pension to William M. Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24351) granting an increase of pension to William H. Gilmore; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24352) for the relief of the legal representatives of Isaac Stanley, deceased; to the Committee on War Claims.

By Mr. MALBY: A bill (H. R. 24353) granting an increase of pension to Henry W. Stevens; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 24354) granting a pension to Mary A. Missner; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 24355) granting an increase of pension to Benjamin Notley James; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 24356) granting an increase of pension to Edmond Witherspoon; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 24357) granting an increase of pension to Telighman A. Howard; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24358) granting an increase of pension to Elijah Whitten; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 24359) granting an increase of pension to David Campman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24360) granting an increase of pension to Clay L. Sherman; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 24361) granting a pension to Elizabeth Simonson; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 24362) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 24363) granting an increase of pension to Doctor C. Butler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of Frank L. McVey, president University of North Dakota, and other residents of Grand Forks, N. Dak., favoring passage of House bill 4428, to protect migratory wild fowl in the United States; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Jackson Grange, No. 1816, Coshocton County, Ohio, asking for the discontinuance of the distribution of free seed; to the Committee on Agriculture.

Also, petition of George W. Hughes and 8 other citizens of Newark, Ohio, protesting against passage of interstate commerce legislation; to the Committee on the Judiciary.

Also, petition of the Lagonda Manufacturing Co., Springfield, Ohio, favoring passage of House bill 17736, for 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the National Association of Cotton Manufacturers, against legislation affecting exchanges; to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the Political Refugee Defense League of America, of New York City, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of Lodge No. 30, Independent Order B'rith Abraham, Milwaukee, Wis., protesting against the proposed restriction on immigration; to the Committee on Immigration and Naturalization.

By Mr. COPLEY: Petition of members of Lodge No. 124, International Association of Machinists, of Joliet, Ill., urging the passage of the anti-Taylor system bills; to the Committee on Labor.

By Mr. DICKSON of Mississippi: Papers to accompany bill granting a pension to Eva A. Trager; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: Petitions of Lodge No. 636 and Lodge No. 60, Independent Order B'rith Abraham, Syracuse, N. Y., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the National Association of Cotton Manufacturers, Boston, Mass., protesting against passage of various bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of the country; to the Committee on Agriculture.

Also, petition of John J. Pfeiffer, general secretary Local No. 504, Kansas City, Mo., favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. FOSS: Resolution of United Hebrew Trades of New York, against passage of the Dillingham bill, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Resolution of the Allied Committee of the Political Refugee Defense League of America and the United Hebrew Trades of New York, against passage of the Dillingham bill and Root amendment, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Wisner Manufacturing Co., of New York City, N. Y., favoring lower postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the Garvin Machine Co., of New York, against passage of the Clayton anti-injunction bill; and of Sol Bloom, of New York, against any bills to prevent the fixing of prices by the manufacturers; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the United Hebrew Trades Union of New York, protesting against the passage of the Dillingham bill for the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Rockford Brass Works, Rockford, Ill., protesting against passage of House bills 23192 and 23193, relating to certain proposed change in the patent laws; to the Committee on Patents.

Also, petition of M. W. Paul, secretary Local No. 80, Rockford, Ill., favoring the passage of the Pepper bill (H. R. 22339), to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. HAYES: Petitions of L. Schuman, Oakland, Cal., and of Conradi & Goldberg, San Francisco, Cal., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of the Board of Trade of San Francisco, Cal.; Coffin Redington Co., San Francisco, Cal.; and Swayne & Hoyt, San Francisco, Cal., protesting against the passage of the anti-injunction bills; to the Committee on Labor.

Also, petition of Arthur Letts, Los Angeles, Cal., favoring continuation of Tariff Board; to the Committee on Appropriations.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., relative to constructing a flood-water canal from the San Joaquin River; to the Committee on Appropriations.

Also, petitions of Morton, Ash & Co., Oakland, Cal.; George W. Walker, Los Angeles, Cal.; and H. & S. C. Bucorich, Oakland, Cal., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against abolishment of Bureau of Manufactures; to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 111, Railway Conductors, Los Angeles, Cal., favoring passage of House bill 20487; to the Committee on the Judiciary.

Also, petition of the South Park Mothers' Club, San Francisco, Cal., favoring the passage of House bill 11372, for improving the merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWELL: Petitions of the Consolidated Music Co., Salt Lake City, Utah, and of the Strevel Patterson Hardware Co., Salt Lake City, Utah, protesting against the passage of House bills 23192 and 23193; to the Committee on Patents.

Also, petition of the Wessler Cigar Co., Ogden, Utah, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Workmen's Circle, New York, protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petitions of the Uintah County Medical Society, Vernal, Utah, and of the people of Uintah County, favoring the passage of the Owen bill, for the creation of Cabinet office of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD: Papers to accompany bill for the relief of J. J. Dennis, Company G, Fifty-third Regiment Kentucky Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of David R. Edmonds, Thirty-fifth Regiment Kentucky Mounted Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of L. G. Winey, Company C, Second Regiment Iowa Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Jane Heath, widow of Velloras Heath, Company K, Thirty-third Regiment

Wisconsin Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William H. Gilmore, Company C, One hundred and forty-fifth Regiment, and Battery H, Pennsylvania Light Artillery; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of William M. Buchanan, Company C, One hundred and fifty-third Regiment Illinois Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of David Morrison, Company B, One hundred and twenty-ninth Illinois Infantry; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petitions of the United Hebrew Trade of New York and of New Paterson Lodge, No. 405, United States Grand Lodge, Order B'rith Abraham, Paterson, N. J., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petitions of the Sunset Publishing House and of Sevaime & Hoyt, San Francisco, Cal., against passage of anti-injunction bills now before the House and Senate; to the Committee on the Judiciary.

Also, petition of California Wine Association, San Francisco, Cal., favoring appropriation for rebuilding broken levees along Mississippi River; to the Committee on Rivers and Harbors.

Also, petitions of Cahn, Nickelsburg & Co. (Inc.), and of the Schmidt Lithograph Co., of San Francisco, Cal., against anti-injunction bills; to the Committee on the Judiciary.

Also, petition of Frederick Birdsall, of San Francisco, Cal., favoring passage of House bill 12827, for increasing the efficiency of the Army; to the Committee on Military Affairs.

Also, petition of the South Park Mothers' Club, of San Francisco, Cal., favoring passage of House bill 11372, for improvement of safety conditions at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the San Joaquin and Sacramento River Improvement Association, favoring passage of proposed plan for navigability of Sacramento River; to the Committee on Rivers and Harbors.

Also, petition of the American Brotherhood of Cement Workers of San Francisco, Cal., favoring passage of House bill 13500; to the Committee on Immigration and Naturalization.

Also, petition of A. Muller, of San Francisco, Cal., against passage of Prouty and Oldfield bills, which prohibit the patentee from maintaining a fixed price on his patented articles; to the Committee on Patents.

By Mr. KENNEDY: Petition of W. T. Dow and others, of Stockport, Iowa, favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Frank W. Schick and others, of Burlington, Iowa, requesting the enactment of the old-age pension bill into law; to the Committee on Pensions.

By Mr. KOPP: Petition of citizens of Arena, Wis., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Sol Bloom (Inc.), protesting against any legislation preventing the manufacturers from fixing prices on patent goods; to the Committee on Patents.

Also, petition of J. A. Piccard, of Brooklyn, N. Y., protesting against removing the right to establish retail prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kingburg Lodge, No. 36, United States Grand Lodge, Order of B'rith Abraham, Brooklyn, N. Y., opposing the passage of the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., in opposition to the passage of various bills relating to the purchase and sale of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of R. M. Fish, of Philadelphia, Pa., favoring passage of invalid pension bill (H. R. 1339); to the Committee on Invalid Pensions.

Also, petition of the ninth artillery district of New York, favoring passage of the Crago bill (H. R. 17470); to the Committee on Invalid Pensions.

By Mr. MANN: Petitions of United Hebrew Trades, of New York, and of Garden City Lodge, No. 163, Order B'rith Abraham, Chicago, Ill., protesting against passage of Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the Stenographers and Typists' Association, of Chicago, Ill., protesting against passage of certain clause in the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. MCGILLICUDDY: Petition of Turner Grange (Maine), No. 23, Patrons of Husbandry, favoring passage of

Senate bill 5474, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petitions of Don Abarbanel Lodge, No. 137; Dr. Krauskopf Lodge, No. 400; and Joseph Minsky Lodge, No. 635, Independent Order B'rith Abraham, Philadelphia; and of United Hebrew Trades of New York, protesting against passage of the Dillingham and Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Jacob Gordon Lodge, No. 169, and Kamenitzer Lodge, No. 77, Independent Order Ahawas Israel; and of William Penn Lodge, No. 76; Freedom Lodge, No. 84; and John Hay Lodge, No. 14, Independent Order B'rith Sholom, all of Philadelphia, Pa., protesting against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. MORGAN: Petition of citizens of the second congressional district of Oklahoma, favoring the old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of the National Association of Cotton Manufacturers, protesting against legislation on the sale of cotton on contract; to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Worcester, Mass., favoring passage of Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

Also, petition of the Saturday Lunch Club, of Minneapolis, Minn., favoring Government ownership of the express companies and express business of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnesota Lodge, No. 428, of Minneapolis, Minn., against passage of the Dillingham bill and other bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of 101 citizens of the United States, favoring the removal of the prohibition upon the American registration of foreign-built ships for foreign trade; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Socialist Party of America, New Haven, Conn., and the allied committee of the Political Refugee Defense League of America, both protesting against the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the Cigar Makers' International Union of America, Middletown, Conn., favoring the passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Petition of F. W. Evans and others, of Park County, Colo., favoring the enactment of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of the Hotel Woodstock Co., of New York City, N. Y., favoring the passage of the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of ninth artillery district of New York, favoring passage of the Crago bill (H. R. 17470) for pensions for widows and minor children of veterans of the War with Spain; to the Committee on Pensions.

Also, petition of the Committee of Wholesale Grocers of New York City, N. Y., favoring reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of Sol Bloom, of New York City, N. Y., against legislation to prevent the fixing of prices by manufacturers; to the Committee on the Judiciary.

Also, petition of the National Association of Cotton Manufacturers of Boston, Mass., against any bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of the country; to the Committee on Agriculture.

Also, petition of the United States Grand Lodge, Order of B'rith Abraham, of New York City, N. Y., against passage of the Dillingham bill containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SMITH of New York: Petition of Erie County Lodge, No. 300, Independent Order B'rith Abraham, of Buffalo, N. Y., against passage of the Dillingham and Burnett bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Ohio: Petition of John C. Burns, of La Crosse, Wis., favoring the passage of the Sulzer bill (H. R. 17936); to the Committee on Coinage, Weights, and Measures.

By Mr. TILSON: Petitions of the United Hebrew Trades of New York and of Gladstone Lodge, No. 241, United States Grand Lodge, Order B'rith Abraham, Waterbury, Conn., in opposition to the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., in opposition to the passage of various bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of Berger Lodge, No. 88, and Elmira Max Nordau Lodge, No. 281, Independent Order B'rith Abraham, Elmira, N. Y., and of the United Hebrew Trades of New York, protesting against passage of Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the United Hebrew Trades of New York, N. Y., opposing the passage of the Dillingham bill (S. 3175); to the Committee on Immigration and Naturalization.

By Mr. VARE: Petition of John Hay Lodge, No. 14; D. Theodore Herzel Lodge, No. 183; Joseph Minsky Lodge, No. 635; Freedom Lodge, No. 84; and William Penn Lodge, No. 76, Independent Order B'rith Shalom, Philadelphia, Pa., protesting against legislation restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Petition of sundry citizens of Lenawee County, Mich., favoring the passage of the Sheppard bill; to the Committee on the Judiciary.

By Mr. WILDER (by request): Petition of Joseph Mason and 42 other citizens of Massachusetts, favoring the passage of the anti-Taylor system bills (H. R. 22339 and S. 6172); to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Papers to accompany House bill 24221, granting an increase of pension to William Long; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, May 10, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore, under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Brotherhood of Railway Trainmen of Pine Bluff, Ark., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of members of the Society of the Sons of the Revolution of the State of New York, praying that an appropriation be made to cover the expense of editing and publishing certain records relating to the Revolutionary War, which was ordered to lie on the table.

He also presented petitions of the congregations of sundry churches and of members of sundry religious societies and other organizations of Philadelphia and Reading, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GRONNA. I present a number of telegrams in the nature of memorials remonstrating against the Bourne parcel-post bill. I ask that the telegrams be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

CHURCH AND FERRY, N. DAK., May 9, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

Am opposed to Bourne parcel-post bill. No demand for such measure here.

H. A. MOE.

WESTHOPE, N. DAK., May 8, 1912.

Senator A. J. GRONNA,
Senate Chamber, Washington, D. C.:

Fight Bourne and similar bills. Demand justice and impartial investigation.

W. A. MEDDAUGH.

CROSBY, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

Very much opposed to Bourne general parcel-post bill just introduced in Senate.

JOHN KNOPP.

CARRINGTON, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

Commercial Club opposes Bourne parcel bill, and we ask your influence against it.

C. S. HOLIDAY,
Vice President Commercial Club.

ROLETTE, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

We urge your strongest opposition to the Bourne general parcel-post bill now in the Senate. Ninety-nine per cent of our people are absolutely ignorant of its provisions, and they have a right to fair consideration of all such legislation.

I. M. INGEBRETSON.

HENSEL, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: We ask that you use all your influence in trying to defeat the Bourne general parcel-post bill now before the Senate, as it will, in our judgment, cause a great deficit and will be a detriment to the small towns and villages. Use your influence.

Yours, respectfully,

HARTJE & CONLAN BROS.

CARRINGTON, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

North Dakota hardware dealers oppose Bourne parcel-post bill and solicit your influence to defeat same.

A. J. SMITH,
President North Dakota Hardware Dealers' Association.

HUNTER, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

We are emphatically opposed to the Bourne general parcel-post bill. We believe it is not based on thorough investigation. Will create a horde of additional Government employees and an enormous deficit. Hope you will do your utmost to knock it out.

GALE, CARR & CO.
ARTHUR MERCANTILE CO.,
Arthur, N. Dak.
BLANCHARD MERCANTILE CO.,
Blanchard, N. Dak.

NAPOLEON, N. DAK., May 8, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

Do all that you can to prevent Bourne parcel-post bill passing.

M. SAVAGE.

EDMORE, N. DAK., May 7, 1912.

Senator A. J. GRONNA,
Washington, D. C.:

The Bourne general parcel-post bill will be a greater hardship on business in our North Dakota towns than several total crop failures. We implore you to stop the passage of this bill if possible.

A. E. TOOMEY.
JOHN BERG.
OLE STENDELL.
J. BRAUND.
H. ASLAKSON.
J. HAMRE.
ROBERT COX.

GACKLE, N. DAK., May 9, 1912.

Hon. A. J. GRONNA,
Washington, D. C.:

Pardon us for again calling to your attention the parcel-post question, since we in the past have asked you both by petitions and letters to oppose same in any form and manner; and at this particular time wish to call to your attention the Bourne general parcel-post bill. To oppose same, if you will, according to our belief, is best for our country. Thanking you in advance for giving this matter your earnest consideration.

HAUT & MARCKEL.

Mr. GRONNA presented a memorial of sundry citizens of Church Ferry, N. Dak., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the St. Clair County Medical Society, of Illinois, favoring the establishment of a department of public health, which were ordered to lie on the table.

Mr. SMITH of South Carolina presented a petition of sundry citizens of Eastover, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.